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OF RACIAL DISCRIMINATION
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Twelfth periodic reports of States parties due in 1992

Addendum

UNITED KINGDOM*

[13 October 1992]

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Tenth periodic report - CERD/C/172/Add.11 and Add.16 (CERD/C/SR.907-908).
Eleventh periodic report - CERD/C/197/Add.2 (CERD/C/SR.907-908).

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Part One

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

PREFACE

1. The United Kingdom submits its 12th periodic report on the legislative, judicial, administrative and other measures it has taken during the two years ending on 31 March 1992 in order to give effect to the International Convention on the Elimination of All Forms of Racial Discrimination.

PART I - GENERAL

Race Relations Act 1976

2. Since submission of the 10th Periodic Report, the following major amendments have been made to the Race Relations Act 1976:

3. Section 137 of the Housing Act 1988 extended Section 47 of the Act to enable the Commission for Racial Equality to issue codes of practice, admissible in evidence in court proceedings, in the field of rented housing. Similarly, Section 180 of the Local Government and Housing Act 1989, extended Section 47 to all forms of housing.

4. Sections 56 and 58(5) of the Housing Act 1988 extended Section 71 of the Act to cover the Housing Corporation and Housing Action Trusts.

5. Sections 7(2) and 7(3) of the Employment Act 1989 have amended Sections 13 and 37 of the Act. Section 13 now extends to discrimination during the course of employment related training as well as at the point of entry and exit. Section 37 has been amended so that any person can offer training for particular work only for persons of a particular racial group or encourage them to take advantage of opportunities for doing that work either in Great Britain as a whole or in a particular part of it. The requirement for designation as a training body by the Secretary of State for Employment has also been removed.

6. Discrimination in professional relationships at the Bar and barrister/solicitor relationships brought within the terms of the Race Relations Act by means of the Court and Legal Services Act 1990.

7. Part III of the Public Order Act 1986 extended to cover BBC and new Independent Television Commission (BBC and IBA were previously exempt) in Broadcasting Act 1990.

Northern Ireland

8. There are believed to be around 10,000 members of ethnic minority groups in Northern Ireland. Although the scale of racial discrimination may be limited, the Government nevertheless accepts tne principle that protection should be given to those who suffer from discrimination on the grounds

of race. The former Secretary of State for Northern Ireland agreed in principle in March 1992 to the publication of a consultative document which would examine the scope for legislation on racial discrimination and consider what additional action ought to be taken by the Government to promote equity of treatment for ethnic groups.

9. An interdepartmental working group of officials chaired by the Central Community Relations Unit, has in recent months been examining the question of legislation on race and the needs of ethnic minorities including travelling people and hopes to publish a Consultative Document later this year.

10. There is already some Government assistance for members of the ethnic minority communities normally resident in Northern Ireland. They are entitled to the full range of services provided by Government agencies and where appropriate, agencies have developed policies and programmes to assist the ethnic minority communities make the full use of these services. Much of this assistance is provided in conjunction with voluntary organisations involved in the welfare of ethnic minority groups who are helped by grant aid from central Government Departments.

Ethnic Breakdown of the Population of Great Britain

11. An analysis of ethnic origin of the population of Great Britain is available from the results of the Labour Force Surveys (sample surveys covering private households). In order to reduce sampling errors the results have been averaged over a period of three surveys. Annex B shows that the total ethnic minority population increased from an estimated 2.1 million in 1981 to an estimated 2.7 million in 1989-91, of whom 55 per cent were born in the United Kingdom. The ethnic minority population increased as a proportion of the total population from 4.7% in 1986-88 to 4.8% in 1988-90, and 4.9% in 1989-91. An analysis of the population by ethnic origin and nationality for 1988-90 is given in Annex A and for 1989-91 is given in Annex C. These show that in 1988-90 and 1989-91 75 and 66 per cent respectively of the total ethnic minority population were British citizens, British Overseas citizens or British Dependent Territories citizens.

12. The need for even more accurate and detailed information on the size, circumstance and geographical distribution of ethnic minority groups than is available from existing sources is recognised. Such information will be of considerable importance in targeting a range of Government funding and initiatives and will be of use to local and health authorities in the provision of relevant services.

13. Following successful testing of an ethnic origin question for the 1991 Census, the Government included this question for the first time in the 1991 Census. There had been widespread consultation on the proposal to include the question and on the form it should take. Whilst it was clear that no single form of question would satisfy everyone, the question used did represent a broad consensus of opinion and had the support of the Commission for Racial Equality. The categories used were:

White
Black - Caribbean
Black - African
Black - other (please describe)
Indian
Pakistani
Bangladeshi
Chinese
Any other ethnic group (please describe)

Information from the 1991 Census will be available for Great Britain around the end of 1993.

"The Satanic Verses" Controversy

14. Since submission of the 10th Periodic Report, the Committee will be aware that controversy has arisen over the book "The Satanic Verses" by Mr Salman Rushdie, the contents of which have offended Muslims both in the United Kingdom and abroad. Members of the Muslim community have requested that the book should be banned. The United Kingdom Government does not have the power to ban books, nor would it be right to persuade the publishers to withdraw the book. It would be for the courts to decide whether any criminal offence had been committed or whether there are legal grounds to prevent publication. The Director of Public Prosecutions and the Law Officers have carefully considered the book and concluded that there are no grounds for prosecuting either the author or the publishers of the book.

15. The controversy has caused the Government some concern in view of its implications for community relations. It has however also provided an opportunity for reflection upon the benefits for the ethnic minority communities, in general, of integration and full participation in society and the benefits which society as a whole gains from the contribution of these communities.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7 OF THE CONVENTION

Introduction

16. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of Articles 2-7 of the Convention was contained in the 6th and 7th Periodic Reports of Her Majesty's Government (CERD/C/66/Add.13 and CERD/C/91/Add.24). Copies of the Race Relations Act 1976 were distributed with the 5th Periodic Report. The Committee are invited to refer to these earlier reports.

Articles 1 and 2

Race Relations Act 1976

17. The Committee is referred to the detailed description of the provisions of the Act provided in the 7th Periodic Report. As explained in paragraphs 3 and 4 of the 10th Periodic Report, the Act now contains a new Section 19A following the

implementation of the Housing and Planning Act 1986, and Section 70 of the Race Relations Act has now been repealed and the law on incitement to racial hatred is contained in Part III of the Public Order Act 1986. In addition, Section 47 has been extended to the field of housing by the Housing Act 1988 and the Local Government and Housing Act 1989. Section 71 now covers the Housing Corporation and Housing Action Trusts by virtue of the Housing Act 1988. The Employment Act 1989 has extended Section 13 and has also amended Section 37 to remove the requirement for designation of a training body by the Secretary of State for Employment and to permit the offering in certain circumstances of discriminatory training (see paragraph 2 to 7 of this Report).

Article 2

Inner Cities Initiative

18. The Government's Action for Cities objectives provide the background to inner cities policies. The objectives remain as in the 11th Report, to:

- encourage enterprise and help new and existing business;

- improve job prospects by training, educational and other initiatives;

- improve conditions by tackling dereliction, developing sites and improving housing;

- make inner cities safe and attractive places in which to live and work.

19. The eight City Action Teams (CATs) are the focal point for the co-ordination of Government action in their inner city area and also encourage partnerships between business, local and central Goverment, the voluntary sector and local people, including those from ethnic minorities. Each CAT has a Sponsor Minister from an Action for Cities Department to oversee the CAT's work.

20. The CATs comprise senior staff from the regional offices of the Departments of Environment, Trade and Industry and Employment CATs operate in Leeds/Bradford, Manchester/Salford, Liverpool, Tyne and Wear, Cleveland, Nottingham Derby/ Leicester, Birmingham and London. Each one has portion of a special, small (£7.7m in 1990-91) budget to assist co-ordination of inner city action. In 1990-91 this funded 335 projects targeted on employment, environmental improvement and enterprise promotion problems. Projects benefiting ethnic minorities are an important element in the CAT's programme.

21. The Urban Programme (UP) grant aids some 9,000 projects annually in 57 inner city local authorities. The aim, within the overall Action for Cities objectives, is to rebuild confidence and encourage investment in tightly defined target areas. Spending on projects directly benefiting ethnic

minority groups remained at about 10% of total UP spending of £226m in 1990-91.

22. Although ethnic minorities will benefit from many UP projects the particular problems they face are given special attention in the UP. During 1990-91 the Department of the Environment issued revised guidance for the preparation of UP bids. This emphasises that ethnic minorities continue to be a priority for UP support. It also provides further guidance to ensure that UP programmes target the particular needs of ethnic minorities and do not discriminate against any ethnic minority group.

23. As described in the last report, Task Forces continue to play an important part in the Government's inner city programmes. During 1990-91, as part of the rolling programme of Task Force action, three Task Forces were closed (Hartlepool, Leeds and Spitalfields) and three were opened in Hackney, Hull and South Tyneside. Task Forces supported over 14,000 businesses in 1990-91 as well as a wide range of training and employment projects. Sponsor Ministers also work closely with each Task Force.

24. The Government's new City Challenge initiative offers local authorities, in partnership with local businesses, the community and voluntary sector interests, the opportunity to tackle some of their worst economic, social and environmental conditions. The guidance issued to authorities emphasises the importance of considering the special needs of ethnic minorities and of full community involvement in the bidding, planning and implementation process.

25. The City Challenge pilot programme in 1990-91 enabled 15 authorities to bid for resources under the scheme. The 11 successful "Pacemaker" areas have prepared action plans for annual expenditure of £7.5m Government grants in their area over 5 years from April 1992. This will be supplemented by considerable private sector investment. The successful authorities were: Bradford, Lewisham, Liverpool, Manchester, Middlesbrough, Newcastle, Nottingham, Tower Hamlets, Wirral and Wolverhampton and the authorities in the Dearne Valley (Barnsley, Doncaster and Rotherham). Each one has a Sponsor Minister. A Round 2 City Challenge competition in underway in 1992-93, to begin spending in 1993-94.

Safer Cities Programme

26. The Safer Cities Programme is a Government funded crime prevention initiative which has established 20 crime prevention projects in urban areas with high crime rates and other social problems. The last of these projects began operating in December 1991. They are run by local people on a multi-agency basis, with representatives of ethnic minorities making a direct contribution to decisions on what crime prevention activity should be given priority where they live.

Local Authorities and Race

27. The Local Government Act 1988 introduced a requirement on local authorities, and other public authorities, to exercise their public supply works or service contracts functions without reference to "non-commercial matters". Section 18 of the Act, however, allows an exemption in the field of race relations as a result of the duties placed on local authorities under Section 71 of the 1976 Act. Local authorities are allowed to ask approved written questions at the pre-contract stage and include terms in a draft contract which relate to certain workforce matters if it is reasonably necessary to do so to secure compliance with Section 71.

28. Section 18(5) provides that the Secretary of State shall specify the written questions and descriptions of evidence which are to be approved for these purposes. The six questions under Section 18(5), about the steps that tenderers for contracts take to avoid unlawful racial discrimination and to promote equal employment opportunities for ethnic minorities, and their recent record in these respects, were published in the Department of the Environment's Circular 8/88 of April 1988, which gave guidance on Part II of the 1988 Act.

29. The Commission for Racial Equality published in October 1989 an advisory guidance booklet "Local Authorities Contracts and Racial Equality - Implications of the Local Government Act 1988" giving their view of the limits and responsibilities imposed.

GRANTS UNDER SECTION 11 OF THE LOCAL GOVERNMENT ACT 1966

30. Grant is paid by the Home Office, under Section 11 of the Local Government Act 1966, to local authorities to enable the employment of additional staff to help members of communities of Commonwealth origin to overcome linguistic or cultural barriers and thereby to gain full access to services and facilities. Grant is also available to certain educational institutions which are outside local authority control.

31. New arrangements have been introduced to improve the administration of the grant, by more effective targeting and with regular monitoring, to ensure that the grant achieves maximum benefit for ethnic minorities. The new arrangements came fully into effect on 1 April 1992.

32. The rate of grant remains at 75% of approved expenditure. Provision has been made for £129 million to be paid in grant in 1992/93. Around 89% of this has been allocated to education, mainly to the provision of teachers of English as a second language. Grant is also paid in a range of other areas including social services, housing, environmental health, interpretation and translation services, library services, and employment, training and enterprise. Local authorities have been encouraged to identify projects suitable for the placement of local authority staff to work in or alongside ethnic minority voluntary organisations.

ETHNIC MINORITY GRANT

33. In addition, a new Ethnic Minority Grant has been introduced, and came into operation on 1 April 1992. Operating in parallel to Section 11, and on similar principles, the new grant is to fund projects run by voluntary organisations to help members of ethnic minorities of any origin to gain employment, to take up vocational training, or to set up their own business. Grant is paid to voluntary organisations through the recently-established Training and Enterprise Councils.

34. Grant is normally paid at 75% of salary costs of staff running projects but, where necessary, grant is paid up to 100% of such costs and also to meet essential non-staff costs. Provision has been made for £4 million to be paid in grant in 1992/93.

Policing

Recruitment of Ethnic Minorities to the Police Service

35. In England and Wales there were 1,645 police officers from the ethnic minorities on 31 March 1992 - slightly over 1¼% of the total police strength of 127,627. This represents an increase of 537 on the number of 1,108 ethnic minority officers who were serving on 31 December 1987. The number of ethnic minority officers in Scotland and Northern Ireland remains small.

36. The main initiative for increased recruitment of members of the ethnic minorities must be taken by police forces and the key lies in increased personal contacts between police officers - particularly members of force recruitment departments - and members of the minority communities. The main task of the Home Office is to support these local initiatives by any measures which call for action on a national basis.

37. Since the last report, the following steps have been taken by the Home Office:

a. HM Inspectors of Constabulary continue to monitor carefully the steps which forces are taking to increase ethnic minority recruitment;

b. a Staff Officer to HM Chief Inspector of Constabulary provides the focal point for the co-ordination of community relations policies. His duties include the provision of advice and guidance to forces on equal opportunities policies and ethnic minority recruitment;

c. money has been allocated to selected forces, to support specific local recruitment initiatives. These are devised and implemented with local needs in mind;

d. a circular was issued to all forces in England and Wales in November 1989 about the development and

implementation of equal opportunities policies. Two progress reports on the implementation of equal opportunities policies have since been issued, in December 1990 and December 1991. Two seminars for senior officers with responsibilities in this field have also been held, the first in April 1990 and the second in May 1991;

e. the conclusions drawn from a research project into the initiatives which have been taken by police forces to increase ethnic minority recruitment have been circulated. Further work is now being carried out looking at the retention of ethnic minority officers;

f. a new entrance test for the police service was introduced on 1 January 1992, which addresses more directly than the previous test the qualities and abilities which are required to do the job of a police officer. A validation study will be carried out in 1994 to ensure that fair selection is taking place and that the test is an accurate test of aptitude;

g. the minimum height requirements for appointment to the police service have been abolished. Candidates for appointment will instead have to satisfy the chief officer of police that they are physically fitted to perform the duties of a police officer and a new physical fitness test has been devised for this purpose.

38. Policing by consent is regarded as the corner-stone of policing in Britain. What this means in practice is that the police need the trust, confidence and respect of the people they serve if they are to be effective in the maintenance of law and order.

39. In the aftermath of disturbances in certain inner city areas, it was widely recognised that positive steps needed to be taken to improve relations between the police and the community in general and between the police and the ethnic minority communities in particular. Since then, with full Government support, the police have made vigorous efforts to improve community and race relations. The 10th Periodic Report referred to the measures being taken by the Government to improve consultation between the police and the community, police training and the police complaints procedures. These arrangements have been continued and developed since that time.

a. Consultation between the police and the community

The committee is invited to refer to the 8th Periodic Report, where details were given of the nature of police/community consultative arrangements. The Police and Criminal Evidence Act 1984 placed a statutory duty on all police authorities in England and Wales, and on the Commissioner of Police in London, to make arrangements for obtaining the views of local people about policing matters in their area. Consultative arrangements now exist in almost every area of England and Wales. (There

are approximately 550 consultative groups in all.) The format of these consultative groups varies according to local circumstances, but generally they consist of local councillors, members of Parliament, community representatives, members of the police authority and the police. Members of the public are encouraged to attend local meetings and contribute to the group's discussions.

In August 1989, the Home Office produced a report of its review of police/community consultative arrangements under Section 106 of the Police and Criminal Evidence Act 1984. The report notes the importance of flexible consultative arrangements tailored to local circumstances and needs. The good practice guidelines which end the report are therefore designed to be a non-prescriptive but informative summary of possible ways forward for those police authorities which have established consultative groups. The report also notes that an important aspect of improving the effectiveness of groups is publicity. The Home Office issued a publicity package in February 1991, under cover of Home Office Circular 96/1990. It has been distributed to all Police Authorities and forces in England and Wales, and contains general leaflets and posters. One section in the leaflet aims to encourage attendance by young people and, in particular, people from ethnic minorities. It is made clear that ethnic minority input is low at present, and an example is given, showing how racial harassment could be discussed at meetings, making the police and the public more aware of the problem.

The statutory consultative arrangements are complemented by a wide range of non-statutory contacts between police and the community. The police continue to put particular effort into liaising with young people and with minority ethnic and religious groups.

b. Police training

i. The review of recruit training referred to in the 9th Periodic Report published its final report in 1987. As stated in the 10th Periodic Report it recommended that a new modular course should be implemented, covering the whole of the two year probationary period, with periods of full-time study interspersed with structured practical experience under supervision; that community and race relations issues and human awareness training should be integrated with the technical and legal content; and that the examination-based assessment process should be replaced with a broader assessment covering community and race relations and the social skills of policing, on the same terms as the factual material. The new 31 week module Foundation Course was introduced on a national basis in July 1989. The overall aim of the curriculum (over the full two year probation period) is to develop the skills and abilities, knowledge and qualities of judgement

necessary for the effective performance of the police role within our society.

ii. Most police forces make community and race relations an integral part of their management and developmental training. In addition all officers promoted to Sergeant or Inspector rank receive training immediately before or at the time of promotion. Both courses have been devised following extensive research to establish training needs in each rank. Using this research, both courses have been developed to take into account rank and role responsibilities in the light of current issues and developments. These include skills and abilities such as interpersonal and communication skills and, for community issues, the need to be able to develop a rational perspective of the overall police role in society including community and race relations, equal opportunities etc.

iii. As part of its programme of short courses a ten day course entitled 'Police and Visible Minorities' is run several times a year at the Police Staff College, Bramshill.

The course is offered for divisional and sub-divisional commanders and their deputies, and particularly for those in areas with significant ethnic minority communities. About half of the sessions are devoted to talks from outside speakers and the remainder are used for discussion and exercises. Each course is attended by about 20 officers varying in grade from chief inspector to chief superintendent.

Following the closure of the Government-funded Centre for the Study of Community and Race Relations at Brunel University in November 1988, the Home Office established a new unit to provide specialist support to the police in community and race unit relations training. This Unit, run by Equalities Associates Ltd, a leading training and consultancy company in the field of equal opportunities and race relations, started work in June 1989. The main tasks of the Unit are to develop community and race relations training strategies as an integral part of police training strategies throughout the country, and to train police trainers. The Unit facilitates the input of outside contributors to police training and provides advice and assistance about community and race relations to individual forces, through strategic planning sessions held at forces around the country, and the publication of a newsletter. An evaluation of the Unit was carried out in 1991 by HM Inspectorate. This identified the Unit's successes over the previous two and a half years, and made a number of specific recommendations designed to increase even further the Unit's impact on police training. A contract for a further two years is being negotiated, and work is in hand to implement the evaluation's recommendations. The Government continues to support national courses run by the Derbyshire Police

Training School and by Manchester University. Both courses are periodically reviewed and improved.

Racial Attacks

Police

40. The Government continues to believe that racial attacks and harassment are one of the most serious manifestations of racial hatred and intolerance and that the efforts, by the police and other authorities, to combat this problem must be sustained and further refined.

41. Since the 10th Periodic Report, there have been a number of initiatives to improve the response to racial harassment and attacks, at a national level, and many more involving individual police forces. The main developments in this area are as follows:

i. The 10th Periodic Report mentioned the establishment of an Inter-Departmental Committee - the Racial Attacks Group. This was established following a recommendation of the House of Commons Home Affairs Sub-Committee on Race Relations and Immigration who inquired into racial attacks and harassment in 1986, that the scope for greater co-operation between the police and other agencies in preventing and dealing with racial harassment should be explored. The Group published their report in May 1989 (copy attached at Annex D). The report provides detailed best practice guidelines not only for the police but also for local housing departments, education authorities, prosecuting authorities, social services and voluntary groups. The report was distributed to all police forces with a circular stressing the importance of the police role, to all local education authorities and local authorities and to more than 6,000 interested private individuals and bodies throughout the country. In 1991 the Home Office issued a set of core questions to Departments for distribution to local agencies. The replies to these were used to produce a report on the implementation of the Group's recommendations. The report (copy attached at Annex E) details good practice and recommends a way forward. Copies have been distributed to all police forces, local education authorities, local authorities, and Crown Prosecution Service Areas. This also includes recommendations that efforts be made to improve public awareness of the problem and that perpetrators should be left in no doubt that such behaviour is totally unacceptable.

ii. In April 1989 the Home Office issued guidance to all chief officers of police signalling the importance Ministers attached to the aggravating factor of racial motivation in minor assaults and that the police should therefore investigate such incidents with a view to obtaining evidence for a more serious offence than common assault, such as assault occasioning actual bodily harm or an appropriate public order offence. The Crown Prosecution Service issued complementary guidance to

their staff, who take the final decisions on prosecutions.

iii. The Government has received a repeat of the 1981 Home Office study of the incidence and nature of racial attacks which, despite some data-collection problems, suggests that the total number of inter-racial incidents may have decreased overall, but that Asians continue to be the most frequent victims of racially motivated incidents. However, the Government does not underestimate the problems caused by under-reporting of such incidents by victims. Further analysis is to be undertaken of data produced by the British Crime Survey - which had a boosted sample of ethnic minority respondents and asked them about the range and frequency of their experience of victimisation. For each incident they were asked whether they believed it was racially motivated and whether they had reported it to the police. The analysis of this data has recently been published and provided further useful information on the national extent of racial attacks and harassment and the extent to which those attacks or harassment are reported to the police.

iv. The Home Affairs Committee has also, since the 10th Periodic Report, followed up its original 1986 report. It requested evidence from the police: Association of Chief Police Officers and from the Metropolitan Police. The committee also requested detailed evidence from the Home Office on developments since it last reported and the responses to its 1986 recommendations. The Committee recognised that there had been progress since 1986 and highlighted areas where the impetus had to be sustained. The Government welcomed the report and circulated its recommendations, together with the Government's reply, to all police forces in mid-1990. Amongst its recommendations was a recognition that as part of the effort to increase the confidence of victims of racially motivated crime to report the incidents to the police it would be necessary to increase still further the number of officers from minority ethnic backgrounds. The Government recognises that while the number of minority ethnic police officers is at its highest ever, it is still far too low and efforts are continuing to improve the situation. The Government has also issued detailed guidance to the police service on the effective implementation of equal opportunities policies, which will complement the drive to recruit and retain more officers and should reinforce the police's reputation for professionalism and equality of treatment in its dealings with the public.

v. HM Inspectorate of Constabulary have continued to monitor the police response to racial attacks, including any arrangements to keep the victim informed of the progress of the case, as part of their annual inspections. In 1991, racial incidents were one of the core subjects covered in depth in the published force inspection reports. An additional staff officer to HM Chief Inspector of Constabulary has been appointed to

deal with community and race relations issues. Part of the staff officer's duties are to spread 'best practice' in dealing with racial incidents and encourage new methods of improving the level of reporting to the police. All police forces also have a programme of visits to schools at which they can raise the issue of racially motivated incidents.

vi. Several forces, including Leicestershire, Metropolitan, West Midlands and West Yorkshire, declared in their published force objectives that tackling racial incidents is a force priority, and other forces have done this at a divisional or sub-divisional level. The Metropolitan Police have also launched a racial harassment campaign which includes publicity showing how the police and the victim of such attacks can help each other. Following the report of the Inter-departmental Racial Attacks Group steps have been taken to institute 'multi-agency' approaches to racially motivated harassment in many force areas.

vii. The Home Office funded pilot project in multi-agency co-operation in Newham, East London reported in January 1992. Initiatives include a clean-up campaign and a major system of recording and dealing with racially motivated incidents in schools.

viii. Figures are not centrally available on the number of racial attacks, conviction rates for racial attacks or subsequent sentencing . Forces are required to provide the Home Office with the number of racial incidents reported in their area each year, and some forces will further break down that figure into racial attacks and other incidents. The total number of racial incidents in England and Wales in 1991 was 7822, of which 3373 were in the Metropolitan Police area.

Housing

42. The report of the Inter-departmental Racial Attacks Group referred to in paragraph 41.i. also set out appropriate action which could be taken on a number of different fronts, including housing. It recommended that local authorities should monitor the provision of housing services by the ethnic origin of applicants and tenants and that data should be collected. It also suggested that housing departments should act to prevent harassment and adopt a policy committing them to respond to and monitor all racial incidents. Public sector landlords were encouraged to take specific steps to prevent harassment, assist victims and deal with perpetrators.

43. In 1989, based on the findings of research commissioned from Brunel University, the Department of the Environment published a good practice guide to local authorities on tackling racial violence and harassment in local authority housing. This gave local authorities practical advice based on real examples to supplement the messages of the Racial Attacks Group Report. Both documents were promulgated in a

Department of the Environment circular letter sent to all local authorities in July 1989.

44. Local authorities are continuing to explore the scope for using the grounds for possession in the Housing Act 1985 against tenants guilty of racial harassment. A case in London, where Greenwich Council obtained an uncontested possession order against a tenant who admitted harassing her neighbours, received wide publicity in January 1990.

45. In 1989, the National Federation of Housing Associations - the representative body for associations in England and Wales - published a document which offered guidance on combatting racial harassment in the housing association sector.

46. In 1991 the Department of the Environment carried out a postal survey of all local housing authorities in England to ascertain the extent to which racial violence and harassment was seen as a problem locally and to assess the impact and effectiveness of the good practice guide and Racial Attacks Group Report, referred to above. The relevant results of this survey were fed into the Home Office report "The Response to Racial Attacks: Sustaining the Momentum", 1991, and a full report will be published towards the end of 1992.

47. To address the problem of large scale usage of bed and breakfast type accommodation the Government made over £311m available to local authorities in the areas of highest pressure over the two years 1990/91 - 1991/92 for schemes to bring their empty properties back into use and cash incentive schemes to provide additional housing from within their own stock. The initiative is expected to produce over 17,000 units of permanent accommodation to house homeless families. Local authorities can learn from the initiative and they have seen what can be achieved by the type of schemes promoted by the initiative.

48. The UK Government have taken a series of measures to increase the supply of social housing in those areas where it is needed, though not generally to encourage local authorities to build housing themselves. **Housing associations are now the main providers of new low-cost housing for rent and sale.** The public resources available to them through the Housing Corporation for the development of new housing for rent and sale will reach £1.7bn in 1992/93, rising to over £2bn a year thereafter. Housing associations can attract private investment to supplement public resources, enabling more houses to be built. Together with associations' improved efficiency, these measures will enable Housing Corporation sponsored output to rise from 27,000 units in 1991/92 to an estimated 47,100 this year and over 53,000 a year in 1993/94.

49. In 1986 the Housing Corporation set up a five year programme to promote the independent establishment of black and minority ethnic housing associations. Following a review of this programme in 1989, they decided to build on their successes with a further five year strategy. The main aims of this new initiative are, by 1996, to:-

(i) provide the framework by which 45 black and minority ethnic housing associations can become financially independent;

(ii) increase the total number of registered black and minority ethnic associations to 70;

(iii) enable all supported associations to compete in terms of efficiency and effectiveness with the best established associations; and

(iv) develop 12,000 new homes for black and minority ethnic associations.

More details of the 1992-1996 strategy are given in Annex F.

Refugees

50. In the 10th Report we reported on refugee rights under this heading. We updated the position in the 11th Report. Generally, the position remains largely unchanged. The Government remains prepared to consider special programmes where numbers and circumstances suggest this is necessary, but the task of resettling refugees into the community falls largely to the relevant local statutory services, aided in many cases by various voluntary agencies and refugee community groups.

51. Efforts continue to be made to heighten the awareness of statutory authorities at national and local level to the needs of refugees settling in the United Kingdom. There is now a wider recognition of refugees as a distinct element within resident minority communities.

52. The Education, Training and Employment Forum and the Housing Forum, mentioned in the 11th Report, continue to provide an effective arena for discussing the problems faced by refugees, exploring ways of raising the awareness of refugee issues and improving access to statutory services. As yet it has not proved possible to establish the Social Services Forum.

53. The Government continues to fund the Refugee Council and is in process of negotiating a new three-year funding agreement with the Council for 1992/93 to 1994/95. The community development work undertaken by the Council and the regional refugee centres is continually expanding. A new refugee centre was established in Wales in early 1992.

54. As reported in the 11th Report the Government agreed in June 1989, as part of an international comprehensive plan of action, to accept 2,000 Vietnamese refugees from camps in Hong Kong for resettlement in the United Kingdom. Progress on the resettlement programme is being maintained although there has been some slippage. Those refugees who wish to do so may stay for an initial three to four month period in one of six reception centres run by two voluntary agencies and funded by the Government. The reception centre programme is designed to assist them to integrate more easily into the community.

55. The special community development-based resettlement programme for Vietnamese refugees is being grant-aided until 1992/93. The programme has played a valuable role in helping the new arrivals to integrate successfully into the host community. Due to slippage in the Vietnamese 2000 programme consideration will be given to continuing funding for the development programme for at least 1993/94.

Articles 5 and 6

Immigration

Legislation

56. During the period covered by this report no new immigration legislation was enacted or brought into force.

Level of Immigration

57. The level of immigration into the United Kingdom is not in fact currently falling. The number of acceptances for settlement - the main measure of longer term immigration of persons subject to immigration control - fell substantially from 82,000 in 1975 to 46,000 in 1987 but has since increased somewhat to around 53,000 in 1990 and 54,000 in 1991, though it remains well below the level of the mid 1970s. The majority of the recent increase has been in acceptances from Africa and Asia.

58. At the end of 1987, just over 20,000 people from the Indian sub-continent were awaiting entry clearance for settlement; the current figure is around 10,000. It is not possible to give an average current waiting time since the time taken to grant entry clearance differs significantly from post to post and from queue to queue. In 1987 there were 13 Entry Clearance Officers posted to New Delhi, 11 to Bombay, 1 to Calcutta and 2 to Madras. Currently the number of postings is 15, 13, 1 and 2 respectively.

Immigration rules

59. Since the 11th Report the United Kingdom has introduced new immigration rules (HC 251), which replaced (HC 388). These rules introduced with effect from 1 April 1990 a visa requirement for nationals of Algeria, Morocco and Tunisia, and with effect from 1 May raised the minimum investment required for businessmen and persons of independent means from £150,000 to £200,000. The new rules also made some minor amendments including one to clarify the position under the rules of returning residents. Further amendments include:

- removing visa requirements for nationals of Argentina and the former German Democratic Republic (in June 1990); Czechoslovakia and Hungary (September 1990); the US Pacific Trust Territories (January 1992) and Poland (June 1992);

- imposing restrictions on the admission and stay of Iraqi students following the invasion of Kuwait

(September 1990) and of all Iraqi nationals following the outbreak of hostilities in the Gulf (January 1991): these restrictions were removed in April 1991;

- introducing visa requirements for citizens of Uganda (March 1991) and the newly independent former Soviet republics (January 1992);

- allowing Czechoslovakian and Hungarian nationals to be admitted as au pairs (October 1991);

- technical changes to give effect to the abolition of re-entry visas (April 1991) and to new arrangements for dealing with work permit applications (September 1991).

Polygamous Marriages

60. The Immigration Act 1988 does not affect the validity or otherwise of polygamous marriages. They continue to be considered in terms of such factors as the domicile of the parties involved and whether the marriage is recognised in the country in which it took place. The effect of the Immigration Act is to limit the consequential immigration rights of actually polygamous wives. There are exceptions to paragraph 3 of the Immigration Rules where a woman may apply for an entry clearance as if she were not a polygamous wife. These are:

(a) she was before 1 August 1988 and since her marriage to her husband has been in the United Kingdom; or

(b) she has since her marriage to her husband been in the United Kingdom at any time when he was not married to a woman as described in paragraph 3(b) of the Immigration Rules.

Child Marriages

61. There are circumstances in which it is possible, because of the domicile of its parents, for a child under the age of 16 who is either a British citizen or settled here to have a domicile of a country which permits child marriages. If the child travelled to that country and contracted a marriage with a person over the age of 16, that marriage could be recognised as valid in the United Kingdom. The Immigration Rules as drafted in HC 388 could not be used to prevent an over-aged (over 16) applicant joining an under-aged sponsor (under 16). The effect of HC 251 is to prevent the granting of admission to applicants whose only basis of stay is their married status if either the applicant or the sponsor is aged under 16 at the time the decision is made and the marriage is recognised as valid. The reason why spouses under 16 may not enter the United Kingdom on the basis of marriage to a person settled here or to a British citizen is because 16 years is the minimum age of consent.

Nationality

62. Since the 11th Report the United Kingdom has created a new avenue to British citizenship for Hong Kong. The British Nationality (Hong Kong) Act 1990, which received Royal Assent on 26 July 1990, enables the Secretary of State to register as British citizens up to 50,000 key people (together with their spouses and existing minor children) recommended for that purpose by the Governor of Hong Kong. The aim of the measure is to help maintain Hong Kong's economic prosperity and social stability in the run-up to 1997. High rates of emigration, particularly amongst those in the professional, managerial and technical classes, are posing significant problems and have reduced confidence in the territory.

Enforcement

63. Statistics on the apprehension and removal of those who have entered the United Kingdom illegally or who have been removed under deportation powers are published half-yearly by the Home Office Statistical Department. A copy of the relevant tables in the most recent Statistical Bulletin is attached at Annexes G and H.

Asylum

64. Since the 11th Report the United Kingdom has completed its review of asylum procedures. Numbers of asylum applicants to the United Kingdom continued to rise, reaching 45,000 in 1991. Administrative measures were introduced to accelerate procedures and to deal with the mounting backlog of cases. These included, from November 1991, the introduction of a new system for acknowledging applications which required all those unable to produce documentary evidence of identity to attend in person for a brief interview before being issued with a security printed acknowledgment letter. This was aimed at curbing multiple applications in false identities and associated benefit fraud. Since November the number of new applications has halved and up to the end of March some 3,500 refusals on the basis of non-attendance for the initial interview were served. A fivefold increase in the number of staff dealing with asylum applications was begun in the course of 1991 and is expected to be completed by the end of 1992.

65. The Government also announced the introduction of an Asylum Bill in November 1991 designed to accelerate and streamline procedures. Amongst its main provisions were:

- introduction of an avenue of appeal for all failed asylum applicants regardless of their immigration status;

- power to fingerprint all asylum seekers for identification purposes;

- modifications to housing legislation whereby the duty to house asylum applicants would be deemed temporary pending the outcome of their claim;

- power to impose transit visas on persons ostensibly passing through the United Kingdom en route to another destination.

66. There was insufficient Parliamentary time to enact the Bill before the General Election in April 1992. The Government intends to reintroduce legislation later in 1992.

Article 5

Employment

67. Whilst the Race Relations Act 1976 makes it generally unlawful to discriminate in matters concerning employment and training, it does permit certain forms of positive action in particular circumstances. Positive action describes a range of measures which employers and others can lawfully take to encourage and train people from a racial group, which is under-represented, to help them overcome disadvantages in competing with other applicants in the labour market. Under Section 37 of the Act, employers and others can provide training for members of particular racial groups who are not their employees and are under-represented in particular types of work. Trainees must not be guaranteed a job at the end of their training. The training should be designed to help people from the under-represented group to compete on an equal footing with their fellow applicants.

68. In addition, Section 38 of the Act permits employers to offer training to their employees who are from a particular racial group to prepare them for work in which they are under-represented. The Act also allows employers to encourage members of a particular racial group to take advantage of opportunities for doing particular work in which they are under-represented. Those persons being trained or encouraged must not be given a guarantee of a job at the end of the training.

69. The Government does not collect information on the use of positive action by employers. However, wherever possible, encouragement is given to its application providing that the criteria of the Act are met. The Employment Department's Race Relations Employment Advisory Service publicises the positive action provisions of the Act and encourages employers to make use of them, where appropriate. A background note on the Race Relations Employment Advisory Service is attached at Annex I.

70. The Employment Department produced in March 1992 an Equal Opportunities - Ten Point Plan Pack for employers. The Pack is a basic tool-kit which gives employers practical advice on how they can offer equality of opportunity within their workplace for people from the ethnic minorities, women and people with disabilities. Copies of the Pack were sent to 36,500 employers in Great Britain with fifty or more employees. A copy of the Pack is attached at Annex K.

Training and Enterprise Councils

71. From April 1990 local delivery of Government funded training and enterprise became the responsibility of 82 Training and Enterprise Councils (TECs) in England and Wales, and 22 Local Enterprise Companies (Lecs) in Scotland. The Training Agency was absorbed into the Employment Department becoming the Training, Enterprise and Education Directorate (TEED).

72. Detailed accounts of how training and enterprise provision is delivered through TECs is given in Annex L.

73. As indicated in paragraph 11, the ethnic minority population in Great Britain is about 2.7 million or 4.9 per cent of the whole population. Over 1.4 million of the ethnic minority population are of Asian origin or descent (from the Indian Sub-Continent). Of the remainder, just under half a million are of West Indian or Guyanese origin or descent, and about three quarters of a million are of "other minority" origins: Chinese, Arab, African, mixed origin and others. The greatest regional concentrations of most groups are in London and the South-East with many of the remainder in the Midlands, particularly the West Midlands. Over 6 out of 10 West Indians in the labour force and just over half of the Indians, live in the South East, while around 40 per cent of the remainder of these groups live in the West Midlands. By contrast, only about 40 per cent of the Pakistani and Bangladeshi labour force live in the South East; the remaining two-thirds are spread fairly evenly between Yorkshire and Humberside, the West Midlands and the North West. Overall, the age structure of the ethnic minorities is significantly lower than that of the white population. Relatively few have reached retirement age. Some 70 per cent of the West Indian population are of working age; among the white population, all Asians as a group, and "other minorities" the proportion is nearer 60 per cent. Some 20 per cent of the white population are under 16 years. Among the minority population this figure rises to between 24 per cent for West Indians/Guyanese and 44 per cent amongst the Pakistani and Bangladeshi population.

74. Economic activity rates, ie the proportions in or seeking work, differ between the various groups, particularly in the younger age ranges. Overall, some 75 to 85 per cent of West Indian and Asian men of working age are in the labour force, compared with 89 per cent of the white population and 76 per cent of the "other minority" groups. The gap is considerably wider among younger men. Some 85 per cent of white men aged 16-24 are economically active, compared with just under 70% of those in the "other minority" groups, about three fifths of the Pakistanis and Bangladeshis and of the Indians and three-quarters of the West Indians. Among men of all ethnic groups in this age range, nearly all of those economically inactive are students. Among women, economic activity rates are lower in all ages and ethnic groups than those of men, but the lifetime pattern differs between the various groups. Among white women the rate falls from 75 per cent for those aged 16-24 to 67 per cent in the 44-59 age group. Among West Indian women this trend is reversed, with a

significantly higher rate in the 45-59 age group than in the 16-24 age group. Pakistani and Bangladeshi women are least likely to be economically active, with less than one-fifth being in the labour force. No doubt religious and other cultural factors have an influence.

75. A broad indication of the progress of the ethnic minorities in employment can be obtained by comparing their proportions in the main groups of occupations. The Labour Force Survey shows that at the top of the occupational scale about one-third (33 per cent) of white men in employment (as employees or self employed) are in the managerial and professional group compared with 37 per cent of Asian and 15 per cent of West Indian men. This group includes people owning and managing their own small business. In the middle of the occupational scale, 29 per cent of West Indian men are in craft and similar manual occupations or foremen, compared with 25 per cent of white men and less than 20 per cent of Asian men. 40 per cent of West Indian men are in other manual occupations (including general labourers), compared with 45 per cent of Pakistani and Bangladeshi men, 27 per cent of white men and 26 per cent of Indian men in employment.

76. In terms of these broad categories, contrasts between different ethnic groups among women are less marked than among men, though women's job levels overall are below those of men. The low labour market participation rates of Muslim women preclude meaningful comparisons of the occupational levels of Pakistani or Bangladeshi women; Asian women are considered below as a single group. About a quarter of women in employment in each ethnic group are at the top of the occupational scale ie they are in the professional and managerial group. In the clerical and other non-manual occupations, there is a slightly higher proportion of White women (40 per cent) than for each of the other two groups (approximately one-third). Relatively few women of any ethnic group are craft manual workers or supervisors although 12 per cent of Asian women in employment fall into this category. In other (non-craft) manual occupations significant differences emerge. Thirty per cent of white women in employment have jobs at this level, compared with 34 per cent of West Indian women but only 24 per cent of Asian women in employment.

77. There has been a significant growth in self employment and private business activity among all ethnic groups.

78. The figures quoted in paragraphs 73 to 76 are based on averages taken from survey results for 1989, 1990 and 1991 which give a more reliable estimate of characteristics of ethnic groups than do data for a single year.

79. Unemployment rates for people of working age can, however, be quoted from a single year's Labour Force Survey. The 1991 survey showed that among men, unemployment rates were lowest for the white population (8 per cent) and for Indians (12 per cent) and "other minority" groups (14 per cent) and highest for West Indians (15 per cent) and Pakistanis/Bangladeshis (25 per cent). Among women, those in

the white group had the lowest unemployment rate (7 per cent). Among Indians, the rate for women was 11 per cent, among West Indians 12 per cent, and among "other minority" groups 14 per cent and 24 per cent Pakistani/Bangladeshi women.

80. Results from the 1991 Labour Force Survey show that unemployment rates in the different ethnic groups were generally lower than in 1990. They ranged, among men, from 7 per cent in the white group and 12 per cent in the "other minority" populations to 15 per cent for the Pakistani/Bangladeshi population, and among women, from 6 per cent in the White Group and 9 per cent in the "other minority" population to 24 per cent for Pakistani/Bangladeshi women.

Ethnic Minority Business Initiative

81. While the initial impetus of the Initiative as previously described was to focus on the Afro-Caribbean community in particular, its scope has been widened in recent years to include other disadvantaged groups (for example, Bangladeshis in East London) through the funding of outreach workers based in a small number of mainstream enterprise agencies. Support is also given to some ethnic minority business associations and to key ethnic minority-run training organisations. In addition, the Government gives grants to local authorities who need to employ staff to give business advice etc to certain ethnic minority communities (see paragraph 17 - Grants Under Section 11 of the Local Government Act 1966), and from April 1992 the new Ethnic Minority Grant paid through Training and Enterprise Councils for projects based in voluntary organisations will also help meet the additional enterprise needs of ethnic minority communities.

82. The Initiative has hosted 3 conferences - in May 1989, February 1990 and November 1991. These brought together ethnic minority businessmen and women, key people from the financial services sector and representatives of Government - and private sector-led business development initiatives to focus on the potential and needs of new and developing ethnic minority businesses. Following the first conference, a small, time-limited Ethnic Minority Business Development Team consisting of secondees was set up to act as a catalyst in selected multi-racial areas to help increase the number of contacts and flow of business between ethnic minority entrepreneurs and the wider community. The Team undertook a range of initiatives in the areas of training, advice and counselling, finance, and partnership and participation, working with many organisations and agencies in the public, private and voluntary sectors, in particular the banks and Training and Enterprise Councils. It closed in January 1992, and an Advisory Group is being set up to monitor progress on these issues in the mainstream organisations and Government Departments.

The Civil Service

83. The Government policy is that all those eligible shall have equality of opportunity for employment and advancement in

the Civil Service, on the basis of merit, irrespective of race, gender and disability. The Cabinet Office (Office of Public Service and Science) is responsible for developing policy frameworks and monitoring progress Service-wide; a network of designated Equal Opportunity Officers is responsible for implementing and monitoring the policy within departments and agencies.

84. A main plank of the policy on race is the Programme for Action to achieve equality of opportunity in the Civil Service for people of ethnic minority origin, which was launched in May 1990. This built on earlier initiatives to provide a framework within which departments and agencies develop and monitor their own individual action plans, designed to meet their particular needs and circumstances. OPSS provides advice and guidance, develops and spreads best practice and monitors overall progress. The programme also includes an action checklist which sets out the kind of actions necessary to ensure equality of opportunity in employment. It includes best practice in recruitment and retention, training and development, monitoring and promotion. It also makes mandatory action necessary to comply with the Race Relations Act 1976 (RRA), and the Commission for Racial Equality's code of practice on race and employment.

85. The first report on progress under the Programme for Action (published in 1991) showed that Departments and agencies had made a good start, improving their policies and procedures to ensure equality of opportunity in employment and reminding staff at all levels of their responsibilities in this area. It also showed increases in the representation of ethnic minority staff overall, and at most grade levels. Service-wide ethnic minority representation in 1991 was 4.7% compared with 4.2% in 1989 and 4.1% in the economically active population. While they were still under-represented in senior grade levels 1-7, partly due to difference in age and length of service, the proportion of ethnic minority staff in these grades had increased to 1.8% in 1991, compared with 1.5% in 1989. At Executive Officer (EO) level, the first at which under-representation occurs and at which particular attention, including positive action training, was focused, representation increased to 3.4% compared with 3.1% in 1989. Ethnic minority representation among new entrants at EO level and above increased to 4.7% in 1991 compared with 4.2% in 1990.

86. A range of initiatives have been, and continue to be, taken to ensure equality of opportunity for people of ethnic minority origin in the Civil Service. These include:

i. improved ethnic monitoring of recruitment, promotion and other personnel procedures, to identify and help eliminate possible barriers to equality of opportunity. To ensure more accurate and effective monitoring measures have been taken to increase the coverage of ethnic monitoring data. Information is now available on 82% of non-industrial staff compared with 75% in 1989;

ii. the introduction of new selection tests designed to ensure that there is no unfair racial bias and monitored in use to ensure that they do not discriminate against any racial groups; practice test booklets are made available to all candidates to minimise the effects of any past disadvantage;

iii. pre-recruitment access training has been conducted by a number of departments and agencies to help address under-representation of ethnic minority staff at various levels, including EO and management trainee grade levels. Following a pilot study, co-ordinated by OPSS, guidance is being produced for use by departments and agencies in running EO pre-recruitment training for people of ethnic minority origin where permissable under Section 37 of the RRA 1976;

iv. development training, under Section 38 of the RRA, to help prepare existing ethnic minority staff for work in which they are under-represented. The Civil Service College runs management development courses for ethnic minority staff. OPSS has co-ordinated pilot projects in departments and agencies and will be preparing and circulating guidance and training materials for use by departments and agencies in their own schemes;

v. The development and implementation of equal opportunity training strategies in departments and agencies and the inclusion of equal opportunities training on a wide range of courses for staff at different levels. OPSS has produced equal opportunities training material, including a video; the Civil Service College provides training for trainers on how to use it effectively;

vi. the establishment and development of networks for Equal Opportunity Officers and Trainers and a range of conferences and seminars to help spread best practice;

vii. a range of measures, including a guidance pack, to help departments and agencies improve contacts with minority communities and attract the best available people from all sections of the population. These include targeted advertising and improved liaison with schools, colleges and community organisations in areas of significant ethnic minority population;

viii. research into the effects of existing employment practices on ethnic minority staff. OPSS is about to conduct research into promotion procedures and a number of departments have participated in a project looking into the effect of appraisal systems;

ix. procedures for ensuring the prompt and effective handling of complaints of discrimination and harassment if and when they occur;

x. management systems to increase the accountability of key line managers for the effective implementation of equal opportunity policies;

xi. the use of numerical goals (not quotas, which would be unlawful) to focus attention on equal opportunities outcomes.

87. Civil Service departments and agencies comply fully with the requirements placed on major employers by fair employment legislation.

The Armed Forces

88. The Services are fully integrated, non-discriminating organisations. They are equal opportunity employers under the terms of the Race Relations Act 1976 and no discrimination is tolerated. Recruitment and promotion are based on merit, regardless of racial origin. Any complaint of racial discrimination by a member of the Armed Forces will be fully investigated under the redress of grievance procedures provided for in the Service Discipline Acts and,if proven, action taken against the offender.

89. In April 1987 the Ministry of Defence started monitoring the ethnic origins of applicants and entrants to the Armed Forces. The results of the firt year's survey revealed that the ethnic minorities were substantially under-represented among applicants to the Armed Forces and that those who did apply were less successful than white applicants. While the ethnic minorities represented some 5.7% of the population in the 15-24 age group, they represented only 1.6% of applicants and 1.1% of entrants to the Services.

90. In 1989, as a result of these disappointing figures, the Ministry of Defence commissioned a study by independent consultants to advise on ways to increase ethnic minority recruitment. The consultants' proposals for improving the situation included a long term marketing strategy to encourage a more positive attitude of the Services among young people from the ethnic minorities and a short term marketing strategy to target recruiting efforts more effectively towards members of the ethnic minorities who are interested in a career in the Services. Specific measures which have been taken include:

a. Increased representation of ethnic minority Service personnel in recruiting literature;

b. Increased use of ethnic minority recruiters in areas of high ethnic minority population;

c. Special training for recruiting staff;

d. Advertising in the ethnic minority press and local radio;

e. Translation of recruiting literature into ethnic minority languages to target parents;

f. Development of contacts with ethnic minority communities, for example, by presentations to community leaders, the introduction by the Royal Navy and Royal Air Force of mobile Careers Information Offices to target areas of high ethnic minority population;

g. The introduction of an educational development course organised jointly by the Army and a College of Education targeted at potential recruits from the ethnic minorities.

91. In May this year, the Ministry of Defence announced that it would be extending to serving personnel the current monitoring of the ethnic origins of applicants to the Armed Forces. This will provide an analysis of the ethnic origins of serving personnel by rank and Service and will enable the Services to monitor their equal opportunity policy. Details of the monitoring scheme are being worked out and a date has not yet been set for implementation.

Housing

Legislation

92. Following proposals from the Commission for Racial Equality the Government took powers, in the Housing Act 1988 and the Local Government and Housing Act 1989, enabling the CRE to issue statutory codes of practice in the field of housing. The codes, which are admissible as evidence in court proceedings, explain the operation of the Race Relations Act 1976 in relation to housing and give examples of good practice in implementing equal opportunities policies in the field of race. The first code of practice, covering rented housing was issued in January 1991 and the second, dealing with non-rented housing was issued in March 1992.

93. Over the past two years the CRE have published a number of reports. Of particular significance were the reports of their formal investigations into the housing policies of Liverpool City Council and Tower Hamlets Council in London, resulting in the service of statutory notices on those councils requiring anti-discrimination measures to be taken, and the report of their research into race and housing in Glasgow.

94. The Housing Act 1988 and the Housing (Scotland) Act 1988 extended to the Housing Corporation, Tai Cymru and Scottish Homes the duty originally placed on local authorities by the Race Relations Act 1976 to seek to eliminate racial discrimination and promote equality of opportunity. The Housing Corporation and Tai Cymru are the statutory agencies in England and Wales respectively which promote, supervise and fund housing associations to provide low cost homes for those in housing need, and the new duties imposed on them reflect the increased role in housing provision which the housing association movement is now expected to play.

95. In 1986, the Housing Corporation adopted a five-year strategy to promote housing associations run by and for ethnic

minority groups. This programme was completed last year, with a total of 60 new associations registered. However, work remains to be done to bring these associations to a position of full financial viability. The Corporation recently launched their updated strategy for the next five years, in a document entitled "An Independent Future" (see Annex F). By 1996 the Corporation aim to have invested £750 million in black and ethnic minority housing associations, 40-45 associations should be fully independent of revenue support grants and 16,500 homes should be owned and/or managed by black and ethnic minority associations. The Corporation continues to promote fair housing policies among all housing associations. Recent figures show that 14% of all housing association lettings were made to non-white households.

96. Scottish Homes was established under the Housing (Scotland) Act 1988. Its functions inter alia, are to improve the supply, quality and choice of housing, housing management and the environment and to promote and assist housing associations in Scotland. Scottish Homes is currently working up policies and guidance on racial equality in relation both to its own stock and housing associations.

97. In 1990, Housing for Wales/Tai Cymru issued a document entitled "Performance Expectations", which set out the standards for housing associations in Wales. This included a standard whose aim is to ensure there is no discrimination in respect of race. Since then, associations have been audited against this standard, and a number of recommendations for improvement made to individual associations.

Birmingham

98. The 10th Periodic Report provided the Committee with information about the housing situation in Birmingham. The following is an update of that information.

99. The city of Birmingham is the largest housing authority in England with over 115,000 council owned dwellings out of a total stock of over 390,000. An estimated 6,000 council owned dwellings are statutorily unfit with a further 67,000 in need of improvements. In the private sector, nearly 20,000 are unfit and 50,000 in need of improvements. The priorities within the council's stock are the 426 highrise blocks which suffer from structural problems, 226 of which are in need of urgent attention. Low and medium rise dwellings of non-traditional construction of which the city has about 24,000 also have major structural problems. In the private sector, the city is concentrating resources on more than 100,000 pre-1919 traditional dwellings which it has, mainly, in the inner areas.

100. Around £30 million per annum is spent on the city's urban renewal programme for private housing in the inner areas. The programme concentrates resources for improvement grants in declared Housing Action Areas and 13 of these areas exist at present, covering approximately 4,500 dwellings. Members of the ethnic minorities account for about 45% of the households in these areas. In the last 4 years, 18 repair schemes in

Housing Action Areas costing over £18 million have been approved for repairs to over 2,300 dwellings. Three further schemes costing over £3.5m are being considered. Approximately 55% of the householders who benefit are from ethnic minorities. The work is carried out free of charge to owners and Birmingham receives subsidy of 75% of the costs from the Government.

101. There are, in addition, a large number of housing associations operating in the inner city areas specialising in providing housing for rent and for sale to people in need. Some concentrate mainly on ethnic minority groups and some are run by members of ethnic minorities. Funding is mainly by the Government in the form of Housing Association Grant.

102. An innovative "local labour" housing initiative was launched in 1985 in Handsworth. Government departments, Birmingham City Council and a major construction company co-operated in refurbishing 38 run-down houses, using only local labour and sub-contractors. Approximately 40 local jobs and 24 trainees of Afro-Caribbean and Asian origin were taken on. The great majority of the trainees gained jobs in the construction industry on completion of their training. A number of local firms also benefited through sub-contracting. The contract which ended in August 1988 is currently being evaluated.

PERSONAL SOCIAL SERVICES AND HEALTH

Social Services

103. Government Policy recognises the need to ensure that personal social services are sensitive and responsive to the particular needs of all communities. To this end, the Department of Health has funded the Race Equality Unit (REU) for a number of years. The REU, which is based at the National Institute for Social Work, was established to advise local authority social services departments on race equality in both staffing and service delivery. Strong working relationships have been forged with 100 social services departments. In addition to a number of useful papers it has produced and distributed a code of practice for social work practitioners and managers.

104. In 1988 the Department's Social Services Inspectorate produced a report entitled "Social Services In a Multi-Racial Society" which highlighted some of the key issues raised during a programme of inspections. The Inspectorate now seeks to make all of its inspections and development work take account of the needs of ethnic minority groups, supported by seminars for staff.

105. The Children Act 1989 requires local authorities responsible for the care of children, to take account of the child's race, culture, religion and language.

106. The Department of Health has been represented on the interdepartmental group of officials set up to make

arrangements for the anticipated arrival of 2,000 Vietnamese refugees, which the United Kingdom has agreed to accept, from Hong Kong. Department of Health has contributed to the production of an orientation manual for the new arrivals and provides advice on the personal social services implications where necessary.

107. A report by the Racial Attacks Group (RAG) on positive action being taken by local agencies to tackle racial attacks and harassment was recently published by the Home Office. The Department of Health had been represented on the RAG, an interdepartmental committee of officials. The Report examined the role of a number of Social Services Departments and showed encouraging signs of action. For example, one had developed a code of practice on racism. Another had embarked upon a comprehensive programme of anti-racist training and helped with arrangements for the eviction of a family who had been perpetrating harassment and violence.

108. The Department of Health has recently awarded funding of £24,000 pa for three years to East London Asian Family Counselling (ELAFC). ELAFC is a voluntary organisation set up to meet the needs of Asian women and their families undergoing conflict and isolation as a result of domestic violence. It aims to provide information, a referral service and direct counselling by trained counsellors.

Health

109. The Government is fully committed to promoting equality of access to health services for members of black and ethnic minority communities. Again services must be sensitive to the needs of the population taking account of language and culture.

110. The Patient's Charter reinforces the need for health authorities to seek people's views. Giving local people, including black and ethnic minority communities, an effective voice calls for a new approach. Such consultation should ensure that information on health service plans and on health generally reaches people and that health service managers take account of the views of the population in planning and monitoring services.

111. The Department of Health is funding a project at the King's Fund Centre to develop improved methods of community consultation to allow the health needs of members of black and ethnic minority communities to be taken into account in health authorities' purchasing plans.

112. The NHS needs to develop good practice to ensure that services are appropriate and accessible, and in this context the Department of Health funds a number of projects to promote this. Examples are:-

- a project to produce a compendium of good practice on primary health care for ethnic minorities. This

will enable health professionals and planners to gain from the successes of others.

- a pilot project in Yorkshire to improve access by ethnic minority women to cervical and breast screening services.

113. Accurate information about the health status of the local population and the services available is the key to planning and delivering appropriate services. There are three new sources of information which will enable health authorities to monitor the need for and effectiveness of services:-

- data on health service activity is to include information on ethnicity of patient;

- the 1991 Census included a question on ethnicity;

- an information exchange known as SHARE (Services for Health and Race Exchange).

114. The Department of Health has provided resources to set up the SHARE information exchange on black and ethnic minority health. This will help statutory and voluntary agencies to improve services, by gathering and disseminating information about organisations working in this area and holding demographic and epidemiological data. By spreading knowledge of developments, the project will build on the experience of service providers and encourage the spread of good practice.

115. The Department has funded voluntary organisations to develop "good practice" packages in a number of areas such as mental health, maternity care, care of handicapped adults and children. A particular example is the work of Nafsiyat in North London. The organisation which is financed partly by the Department and partly by local authorities, provides a national training programme in transcultural psychiatry for health and social services staff in addition to its day to day work providing psychotherapy services to people from ethnic minorities.

Social Security

116. The Department of Social Security and its Agencies are committed to racial equality for its customers. This was re-emphasised by Benefits Agency's Customer Charter which aims to provide "helpful and accessible assistance and information" whilst "recognising the particular needs of people from ethnic minorities". Steps to make services easier to use have been taken.

117. The Benefits Agency, which is an executive agency of the Department of Social Security, has an equal opportunities policy for its customers. A leaflet is being produced which sets out the rights and responsibilities of customers, in terms of what sort of treatment they should expect from the BA, and what to do if they feel they have been discriminated against. The leaflet will set out internal procedures as well

as naming other organisations to whom a person can seek help and advice, such as the Race Equality Councils.

118. The leaflet also addresses the responsibilities of customers to our staff in terms of racial abuse and sexual harassment being unacceptable.

119. The BA commissioned an audit of its Equal Opportunities. In response to this the BA has drawn up an Equal Opportunities Action Plan for 1992/93. There is a section which relates to the customer. The action plan contains a commitment to reviewing the BA's interpreting provision, in particular the role, pay and grading, provision of written material and buying in of interpreting services.

120. The Customer Service Branch has a responsibility for Equal Opportunities for the Customer, and to this end is liaising with groups who represent our customers. We also invite professionals from these groups to participate and advise us in developing initiatives concerning equal opportunities.

121. On a practical level the BA is piloting in some of its offices 'Language Line' which is a third party remote interpreting service available in many languages. Many offices have interpreters and Benefit Advisors who deliver their services to the multi-cultural community.

122. The Freeline service, which provides general cross benefit advice is now available in English, Welsh, Punjabi, Chinese and Urdu.

123. Benefits Agency Press Publicity and Marketing Services is currently researching the information needs of ethnic minorities through the Policy Studies Institute with a view to developing a cohesive marketing strategy for this segment of society. The leaflet FB22 "Which Benefit", which gives an overview of all Social Security benefits available, is produced in what are considered the main ethnic minority languages in Britain: Punjabi, Hindi, Gujerati Urdu, Bengali, Chinese and Turkish. The new updated version of this leaflet will also include Arabic, Somali, Vietnamese and Greek. Publicity material on the Disability benefits (DLA/DWA/AA) is in translation at the time of writing. The Benefits Agency is planning to produce leaflets on the Council Tax in the languages mentioned above.

Article 6

Commission for Racial Equality (CRE)

124. Information about the structure and role of the Commission for Racial Equality is contained in Part II of the 6th Periodic Report. Copies of the CRE's Annual Reports for 1990 and 1991 are attached (Annex M). These provide full details of the CRE's legal status, role, membership and procedures as well as an indication of the range of activities and initiatives undertaken in these years.

Assistance by the CRE in proceedings under the Race Relations Act 1976

125. The Race Relations Act gives the CRE discretion to assist an individual who is an actual or prospective complainant where the case raises a question of principle; where it is unreasonable, having regard to the complexity of the case or the position vis-a-vis the other party to expect the individual to deal with the case unaided; or where some other consideration applies. The CRE has, however, no special position before a court or tribunal in relation to any proceedings in which it is assisting an individual. Details of cases in which assistance was given in 1990 and 1991 are contained in the CRE's Annual Reports for those years (Annex M).

CRE Proposals for Amendments to the Race Relations Act 1976

126. The CRE has a statutory duty to keep the work of the 1976 under review. Following a consultation exercise referred to in the 8th Periodic Report, the CRE submitted proposals for amendments to the Act to the Home Secretary in 1985. Consideration was given to these proposals but no formal response was made to the Commission because there was no realistic prospect of fresh race relations legislation. However, the Commission was told informally that individual proposals would be considered on their merits whenever a suitable legislative opportunity arose and that where a strong case could be made the Government would be willing to change the law. Examples of amendments to the Act which have been made since submission of the 10th Periodic Report are given in paragraph 1.

127. In 1991 the Commission for Racial Equality's Second review of the Race Relations Act was published as a consultative document. The Commission has indicated that it intends to put formal recommendations to the Government later this year, and the Government will give these its careful consideration.

Review of the Work of the CRE

128. The 11th Periodic Report referred to a review of the CRE by the Home Office completed in 1985. Since then a further review was undertaken in 1991, which assessed, in particular, the CRE's staffing structure in terms of staff numbers, grading and organisation; the further development of output measures and performance indicators; and the possible application of the Government's 'Next Steps' initiatives within the CRE. This detailed report made 168 recommendations, almost all of which are being implemented.

Industrial Tribunals

129. Complaints relating to discrimination in employment matters are dealt with by industrial tribunals. An individual may complain to an industrial tribunal within three months of the date of alleged discrimination. However, a tribunal has discretion to consider a complaint which is out of time if, in

all the circumstances of the case, it considers it just and equitable to do so.

130. Where the tribunal decides in favour of the complainant it may award such of the following remedies as it considers just and equitable.

a. an order declaring the rights of the parties;

b. an order requiring the respondent to pay the complainant compensation;

c. a recommendation that the respondent take a particular course of action. If, without reasonable justification, the respondent fails to comply with a recommendation, the tribunal may increase any compensation previously awarded or award compensation if none was previously awarded. (The amount of compensation which may be awarded to complainants is subject to a current overall limit of £10,000).

131. No fee is charged to bring a case and legal representation is not necessary although many people choose to be represented by a lawyer.

132. The Employment Act 1989 gave the Secretary of State for Employment power to make Regulations enabling a full tribunal, or a chairman sitting alone, to conduct a pre-hearing review of a case in advance of the full hearing and to require a deposit of up to £150 in certain cases as a condition of proceeding further with or defending the application. The Regulations are unlikely to be made until the second half of 1993.

133. The power will be used only where the case is thought to have little prospect of success or to be frivolous, vexatious or otherwise unreasonable. Parties will only forfeit the deposit if they lose the case at a full hearing and have an order for costs made against them. In other words they will only forfeit the deposit if the tribunal conducting the full hearing considers that the case was indeed frivolous, vexatious or otherwise unreasonable.

134. By acting on the small number of people who abuse the system and the waste of time and money involved, the pre-hearing review procedure will ensure that the system works more effectively for the majority whose complaints are genuine.

135. A booklet on industrial tribunal procedure is attached as Annex N.

Article 7

Community Radio

136. On 19 January 1988 the Government announced plans for the future of radio broadcasting in the United Kingdom. In

various places around the country, stations have since been introduced which include programmes aimed specifically at Asian, Greek, Irish, Afro-Caribbean, Polish, Vietnamese and a number of other minority communities. Under the Broadcasting Act 1990, the Radio Authority is now responsible for licensing, supervising and developing independent radio. Among its duties the Authority is required to provide for a range and diversity of local services which will appeal to a variety of tastes and interests. The Authority cannot prescribe the nature of a station's programmes - which is a matter for applicants themselves to decide - but in selecting licensees, the Authority is required to have regard for the extent to which any application is supported by people living locally. It must also take account of the extent to which any proposed radio station would cater for the tastes and interests of people living in the licence area and the extent to which it would broaden the range of programmes already available on local radio there. These provisions should enable community groups to present stronger applications than others wishing, perhaps, to duplicate existing programmes and, therefore, it should facilitate applications from ethnic minorities who wish to operate their own stations.

137. Another provision of the Broadcasting Act 1990, which Turkish and Asian groups especially have found useful, enables the setting up of radio stations for short periods of a few days or weeks. This allows groups to gain valuable "on-air" experience whilst also offering listeners a taste of a potential future station or coverage of a particular event. Licensees in this category have included Radio Ramadan which operated in Bradford for the period of the Islamic fast.

138. The demands from audiences for stations which will meet their particular needs, and from potential broadcasters wishing to serve such audiences, remains high. The Government is keen to ensure that through technological developments and efficient use of resources, opportunities are made available to satisfy these demands, in the interests of providing listeners with the maximum possible range of programme choice.

Education

139. The Government remains committed to playing its part, within the framework of the United Kingdom's devolved system of education described in earlier reports, in encouraging the education service to improve its response to cultural and ethnic diversity. It has continued to build on the policy developments outlined in the last report following the Report of the Committee of Inquiry into the Education of Children from Ethnic Minority Groups, chaired by Lord Swann, which was published in March 1985.

140. The Government accepted the Swann Committee's conclusion that the number of teachers from ethnic minority backgrounds was too low. The Government also agreed with the Committee's view that the main source of supply of ethnic minority teachers in future should come from the young people who have completed their school or higher education studies in the United Kingdom with conventional qualifications. To this end,

teacher recruitment publicity, produced on behalf of the Department for Education by the Teaching as a Career Unit, continues to reflect the desirability of recruiting ethnic minority teachers in the teaching force. TASC has ensured that positive references to teachers from ethnic minority groups are included in its termly Bulletin which is distributed free to all Local Education Authorities, Teacher Recruitment Officers, Initial Teacher Training institutions and secondary schools. In addition, TASC has supported specific events aimed at encouraging recruitment of ethnic minority students, and disseminating good practice.

141. In September 1990 the Government introduced a new route into teaching (the licensed teacher route) to enable people with suitable skills and experience but without formal teaching qualifications to undertake a period of parallel employment and training as a teacher, leading to the award of qualified teacher status. The new arrangements were used, inter alia, to facilitate the entry to teaching of members of ethnic minorities, especially from overseas. This was formalised in September 1991 by the establishment of the overseas trained teacher route, under which teachers with qualifications gained outside the United Kingdom, including but not specifically directed at those from ethnic minorities, could undergo a period of employment and training leading to qualified teacher status.

142. In addition, the Government has accepted that there is scope for specific initial teacher training initiatives. The Department for Education has continued its work with a number of initial teacher training institutions with a view to establishing more courses likely to attract ethnic minority applicants who have language skills and overseas or higher education qualifications. A number of courses are designed specifically for ethnic minority candidates. In addition, there are a number of innovative courses (2-year BEds and part-time PGCEs) which are designed to attract people from a variety of backgrounds into teaching. The extension of these innovative courses, and the encouragement given to the traditional teacher training courses to adopt a multi-cultural perspective, demonstrates a commitment to ensuring that the teaching force reflects, and is also more aware of, ethnic diversity in our schools and in society at large.

143. Access courses are significant to people who dropped out of education early. There are around 40 such courses intended to attract people specifically into teaching and some of these are targeted specifically on ethnic minorities or in areas where they are attracted. In addition, several ITT institutions have run Teaching Taster courses with the purpose of giving information about teaching to people from the ethnic minorities.

144. The Department, in conjunction with the Commission for Racial Equality, has held conferences to assist LEAs with the annual returns on the ethnic origin of their school teachers. These returns will enable monitoring of the effectiveness of policies to increase the number of ethnic minority teachers. Early responses were disappointing due, in part, to initial

problems with hardware and software, but also, some teachers were reluctant to volunteer the information. The Department is funding research into the establishment of teacher manpower auditing in LEAs, which would include ethnic monitoring of teachers.

145. The Government continues to promote and support the training of serving school teachers to increase their awareness of ethnic diversity through the Local Education Authority Training Grants Scheme (LEATGS). Training in "teaching and the planning of the curriculum in a multi-ethnic society" was again a national priority area in 1988-89. Some £1 million of expenditure in this area was grant-aided under the national priority scheme, with additional funding from LEAs drawing on their grant allocation for local priority training and other sources. In 1988 a similar national priority area was introduced for the further education sector which in 1990-91 it is expected will support £892,000 of expenditure. In 1989-90 the schools sector support for training in this area was subsumed within the national priority area "training for the National Curriculum: Content".

146. In July 1986, the Government announced that it had accepted the recommendations of the Working Group established to explore the issues involved in collecting ethnically based statistics on school pupils. All LEAs and grant-maintained schools are required to provide aggregate and anonymous data showing the ethnic origin, mother tongue and religious affiliation of school pupils. Information is required from parents and pupils on a voluntary basis and confidentiality is assured. Pilot exercises were undertaken in the 1987-88 academic year in four LEAs - Berkshire, Bradford, Cleveland and Wolverhampton - and the first national data return covered school admissions during the academic year 1990-91.

147. Information on the ethnic origin of UK-domiciled students applying for admission to higher education courses under the Universities Central Council for Admissions and the Polytechnics Central Admissions Systems is being collected on a voluntary basis with effect from the Autumn 1990 entry.

148. For the universities, the data is reflected in the statistics of students available in the Universities Statistical Record (USR). Details of the ethnic origin of home students in United Kingdom universities have been collected by USR using the categories: White; Black; Indian; Pakistani; Bangladeshi; Chinese; Other; Unknown.

149. The Department for Education's Further Education Statistical Record (FESR) has also collected data on ethnicity from the 1990 entry of students to further and higher education in polytechnics and colleges, in this case using the same categories as the Office of Population and Census Surveys (OPCS), which differentiate between Black Caribbean, Black African and Black Other.

150. Statistics drawn from these data have not yet been published, but they are expected to be a valuable measure to

inform forward planning and alert decision makers to issues and areas requiring further investigation.

151. The Government shares the concern expressed by the Swann Committee, and by CERD in its consideration of the Government's 9th Periodic Report, about underachievement among certain ethnic minority groups. A fundamental objective of the Education Reform Act 1988 is to raise standards for all pupils. The implementation of the National Curriculum and the arrangements for monitoring pupils' progress and performance, both through the need for teachers to assess continuously pupils' classroom work, and through the statutory testing of pupils at the ages of 7, 11, 14 and 16, will provide a foundation for improvement.

152. The first national tests for 7 year olds in 1991 in English, mathematics and science exemplified for teachers the standards required of the National Curriculum. Her Majesty's Inspectorate of schools report this is having the positive effect of raising teacher expectation of pupils across the board.

153. The ethnic, cultural and linguistic diversity of the school population and society at large continues to be taken into account in the development of the national tests for 7, 11 and 14 year olds. The remits to the National Curriculum Council, which keeps the framework of attainment targets and programmes of study under review, and the School Examinations and Assessment Council, which oversees the development of national tests, require them in exercising their functions to take account of the ethnic and cultural diversity of British society and the importance of promoting equal opportunities for all pupils regardless of ethnic origin and gender.

154. The Education Reform Act 1988 provides that the National Curriculum shall include a modern foreign language for pupils aged 11 to 16. The statutory Order specifying the attainment targets in the National Curriculum will come into force from 1 August 1992 for pupils in Year 7, and will be fully implemented for all pupils in Years 7 to 11 by Autumn 1996.

155. Schools are required to offer at least one of the official languages of the European Community (EC), and they may in addition offer Arabic, Bengali, Gujerati, Hindi, Japanese, Mandarin or Cantonese Chinese, Modern Hebrew, Punjabi, Russian, Turkish or Urdu. Pupils do not have to study an EC language in addition to or before studying a non-EC one. Ethnic minority pupils may study their mother tongue if the school is able to offer it as a foundation subject, in preference to the EC language offered by the school. Schools may also offer any other language after they have met the National Curriculum requirements.

156. In 1991-92 United Kingdom Government funding was made *available for first foreign language diversification.* Local Education Authorities (LEAs) were invited to bid for the grant towards schemes for the diversifying first foreign language provision, essentially away from French to any of the other languages specified in the Order. Sixty authorities bid for

and received GEST funding for this purpose. Funds were allocated to support £1.49 million expenditure on diversification and LEAs' plans included diversification into German, Italian, Spanish, Turkish, Gujerati, Bengali, Chinese, Greek, Russian, Dutch, Urdu and Punjabi. In 1992-93 LEAs have been encouraged to consider giving attention to this area.

157. In August 1992 the statutory Orders specifying the National Curriculum requirements for art and music will come into force. In both subjects, the curriculum requirements take account of a variety of ethnic and cultural traditions. In music, for instance, pupils will be expected to show a knowledge of the historical development of music, and an understanding of a range of musical traditions from different periods and cultures. Similarly in art, pupils will be required to identify the characteristics of art in a variety of genres from different periods, cultures and traditions.

158. In addition to introducing a National Curriculum for all pupils, the Education Reform Act 1988 also introduced new requirements for religious education and collective worship in schools. These new requirements take account of the growing multiplicity of faiths represented in the school population and recognise that there is a need to increase understanding of, and tolerance for, other religions and other cultures in the world at large.

159. The provisions in the Act, secure the place of Christianity whilst taking account of the needs and aspirations of those pupils who hold different beliefs. The precise content of religious education and worship is determined locally. However, the law requires all new locally agreed syllabuses for religious education to reflect the fact that the religious traditions in Great Britain are in the main Christian, while taking account of the teaching and practices of the other principal faiths in the country. Collective worship, in schools which are not sponsored by churches, should be wholly or mainly of a broadly Christian character, however, there is considerable flexibility for head teachers to respond to the needs of pupils of other faiths.

160. Parents may, if they choose, withdraw their children from the religious education and worship provided by the school and arrangements may then be made for these pupils to receive alternative religious education or worship in accordance with their own particular religious traditions.

161. The Government attaches importance to meeting the particular educational needs of ethnic minority pupils, to ensure that they are given the same opportunities as others to benefit from what schools can offer. In this regard, top priority continues to be attached to equipping all children whose mother tongue is not English with a good command of English. Without it, they will be unable to participate on equal terms at school or in society. The Government continues to offer substantial funding through grants made under Section 11 of the Local Government Act 1966 to support the teaching of English as a second language in schools and

colleges. Good practice continues to be promoted and disseminated by HM Inspectorate.

162. The Government acknowledges that the educational and cognitive development of pupils whose mother tongue is not English can be assisted significantly by mother tongue support in the early years of primary schooling. It continues to support the employment of bilingual teachers and classroom assistants through Section 11 grants.

163. Most Section 11 teaching posts include an element of INSET for training and development within the post and as a means of transferring expertise and knowledge to mainstream colleagues.

164. The DfE funded "Partnership Teaching" project encouraged English language support specialists and mainstream class or subject teachers to work collaboratively to identify and help meet pupils' individual language learning needs. The project produced materials for in-service teacher training which were published in 1991.

165. The Government has continued to work to ensure that the education provided in school takes account of the ethnic and cultural diversity found in the United Kingdom. It has continued to provide funding under the Education Support Grant scheme for pilot projects related to meeting educational needs in a multi-ethnic society. Some 20 projects costing £1.04 million are still receiving support in the current financial year (1992/93). Activities include the establishment of resource centres; curriculum development and work to produce teaching materials; and in-service training of teachers. There have been three rounds of this Education Support Grant: 1985/86, 1986/87 and 1988/89. Projects are funded for a finite period, usually 3-5 years. Funding for the majority of projects approved under the early rounds has now ceased.

166. In the further education (FE) system, the Further Education Unit, which is funded by the Government, followed the publication of its staff development resource package designed to enable college staff to respond more effectively to ethnic diversity by providing on-going guidance and support to LEAs and colleges in the planning, organisation and delivery of their staff development programmes. The Unit has continued its programme of research into multicultural education and in 1991 it published its report on a project on multicultural education in areas with low proportions of ethnic minorities. Work has also been carried out on guidance to college staff on promoting participation and improving progression through the educational system for students from backgrounds traditionally under-represented in FE.

167. Access courses are playing an increasingly important part in enabling adults from ethnic minority groups who lack the traditional entry qualifications, though possessing valuable experience and potential, to enter higher education. Following the publication of the White Paper "Higher Education: Meeting the Challenge", the Government has supported the establishment of a national framework for the

recognition of access courses. This has given further impetus to the development of such courses and to the admission of their students to higher education. Recent indications are that there are now nearly 1000 access courses which are within, or soon to be within, the national framework of recognition. A number of them are specifically targeted at ethnic minority students.

168. Legislation was passed in 1980 giving parents the right to express a preference as to the school their child attends and for that preference to be met unless certain conditions apply (namely that the school is full, that it is a selective school and the child does not meet the required standard, or in the case of Church schools that there are special arrangements for protecting the school's character). Authorities and schools may not operate admissions criteria which involve racial considerations. Where there are spare places at a school they must be allocated to parents on demand whether they express reasons or not. The 1992 Schools Act will ensure that parents receive better information about schools but did not extend their rights as far as choice is concerned.

169. Grant-maintained (GM) schools are a new category of school created by the 1988 Education Reform Act. Such schools are no longer maintained by local education authorities (LEAs) but receive their funding from the Secretary of State. GM schools are run by their governing bodies. Governing bodies consist of parents, teachers at the school and people from the community served by the school. GM schools become responsible for management of all aspects of their affairs, including decisions about deployment of funds and the employment of staff. However, in some respects, schools do not change if they become grant-maintained: the governing body needs the Secretary of State's approval for its admissions policy. Since GM schools are state-funded, they must provide free education.

ANNEXES 1/

A. Population by ethnic group, Great Britain, 1986-1988 and 1988-1990 averages and nationality by ethnic group 1988-1990 average.

B. Population by ethnic group, Great Britain, 1981 and 1989-1991 average.

C. Population by ethnic group, and nationality, Great Britain, 1989-1991 average.

D. Report of the Inter-Departmental Racial Attacks Group - The Response to Racial Attacks and Harassment: guidance for the statutory agencies.

E. The Second Report of the Inter-Departmental Racial Attacks Group - The Response to Racial Attacks: Sustaining the Momentum.

F. The Housing Corporation - An Indpendent Future, Black and Minority Ethnic Housing Association Strategy 1992-1996.

G. Persons Dealt with as Illegal Immigrants 1989-91.

H. United Kingdom - Deportation Action 1989-91.

I. The Race Relations Employment Advisory Service.

J. The Employment Service - Racial Discrimination in Employment.

K. Department of Employment:- Equal Opportunities - Ten Point Plan Pack for Employers.

L. Department of Employment: Training Provision for Ethnic Minorities.

M. Commission for Racial Equality's Annual Reports 1990 and 1991.

N. Industrial Tribunals Procedure booklet issued by the Department of Employment.

1/ Annexes D, E, F, K, M and N are available for consultation by members of the Committee in the files of the Secretariat.

ANNEX A

Population[1] by ethnic group, Great Britain, 1986-88 and 1988-90 averages

Thousands

Ethnic group	1986-88 average	1988-90 average	1988-90: percentage born in the UK	1988-90: percentage with British nationality
White	51,470	51,689	96	97
All ethnic minorities	2,577	2,624	46	75
West Indian or Guyanese	495	461	53	80
Indian	787	786	39	77
Pakistani	428	462	49	86
Bangladeshi	108	108	31	60
Chinese	125	135	26	65
African	112	136	37	52
Arab	73	64	16	27
Mixed	287	308	77	90
Other	163	163	38	54

(1) Source: 1986-88 and 1988-90 Labour Force Surveys. Estimates, particularly those for small ethnic groups, are subject to sampling error.

ANNEX B

Population[1] by ethnic group, Great Britain, 1981 and 1989-1991 average

Thousands

Ethnic group	1981	1989-91 average	1989-91: percentage born in the UK
White	51,000	51,805	96
All ethnic minorities	2,092	2,682	55
West Indian/Guyanese	538	456	61
Indian	727	793	52
Pakistani/Bangladeshi	336	613	57
Chinese	92	137	54
African	80	150	38
Arab	53	67	41
Other/Mixed	277	464	18
All ethnic groups (including not stated[2])	53,700	54,984	94

(1) Source: 1981 and 1989-91 Labour Force Surveys. Estimates, particularly those for small ethnic groups, are subject to sampling error.

(2) Most of whom are thought to be white.

ANNEX C

Population[1] by ethnic group, and nationality, Great Britain, 1989-1991 average

Percentages

Ethnic group	British	Other	All nationalities[2] (thousands=100%)
White	97	3	51,805
All ethnic minorities	66	33	2,682
West Indian/Guyanese	72	27	456
Indian	66	33	793
Pakistani/Bangladeshi	68	30	613
Chinese	60	38	819
African	55	45	137
Arab	45	54	150
Other/Mixed	27	70	67
All ethnic groups (including not stated[2])	95	4	54,984

(1) Source: 1989-91 Labour Force Surveys. Estimates, particularly those for small ethnic groups, are subject to sampling error.

(2) Excluding nationality not stated.

ANNEX G

Table 14 Persons dealt with as illegal entrants (1)

United Kingdom 1989-91

Number of persons

	1989	1990	1991	1990				1991			
		(R)	(P)	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr (R)	1st Qtr (R)	2nd Qtr (R)	3rd Qtr (P)	4th Qtr (P)
Action commenced in the period											
Detained in custody (2)	2211	2311	3132	520	534	592	665	717	775	772	868
Temporarily released (3)	927	986	1281	270	193	204	319	279	309	339	354
Total	3138	3297	4413	790	727	796	984	996	1084	1111	1222
Dealt with during the period											
Removed as illegal entrants	1820	1976	2890	496	477	458	545	574	782	857	677
Left voluntarily	537	362	297	94	118	83	67	66	72	74	85
Allowed to stay indefinitely	64	40	31	11	17	10	2	10	7	1	13
Allowed to stay for a limited period	126	142	156	35	68	27	12	39	40	36	41
Dealt with as other categories (4)	420	406	360	116	116	101	73	82	92	89	97
Total	2967	2926	3734	752	796	679	699	771	993	1057	913

(1) Covers persons served with papers and dealt with as illegal entrants as defined in Section 33(1) of the Immigration Act 1971.

(2) Includes all persons detained at any time during the period. This category includes dual custody cases; ie had the Detention Order been withdrawn the person would still have remained in custody, either on remand or as a result of a court sentence.

(3) Excludes persons detained at any time during the quarter.

(4) This category includes absconders, deportation cases (including overstayers) and seamen deserters.

ANNEX H

Table 15 Deportation action (1)

United Kingdom 1989-91

Number of persons

	1989	1990	1991	1990				1991			
				1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr (R)	2nd Qtr (R)	3rd Qtr	4th Qtr
Category of Case and Type of Action Undertaken											
Breach of conditions of leave to enter or remain (2)											
Notices of intention to deport	3101	2815	3164	716	675	657	767	753	795	806	810
Decision not to deport	141	205	210	36	53	55	61	70	48	58	34
Left voluntarily	141	132	128	33	22	33	44	40	37	28	23
Deportation orders made	480	381	371	122	85	108	66	80	111	97	83
Detention orders served (3)	1400	1282	1562	358	262	284	378	399	406	367	390
Restriction orders served (3)	836	647	770	196	125	132	194	177	176	191	226
Removals	1552	1342	1716	374	291	269	408	455	415	428	418
of which											
Deportation orders enforced	233	168	163	57	43	24	44	51	28	44	40
Supervised departure	1319	1174	1553	317	248	245	364	404	387	384	378
Conducive to the public good (4)											
Notices of intention to deport	112	186	260	38	61	60	27	169	29	18	44
Decision not to deport	25	8	103	3	-	1	4	97	3	2	1
Left voluntarily	21	22	42	-	3	19	-	42	-	-	-
Deportation orders made	103	138	119	18	37	45	38	36	25	24	34
Detention orders served (3)	14	12	126	2	1	6	3	114	1	1	10
Restriction orders served (3)	1	-	14	-	-	-	-	10	2	1	1
Removals	71	72	93	16	19	20	17	32	15	27	19
of which											
Deportation orders enforced	71	72	93	16	19	20	17	32	15	27	19
Supervised departure	-	-	-	-	-	-	-	-	-	-	-
Following court recommendation (5)											
Court recommendations made	678	519	404	178	106	107	128	98	90	112	104
Successful appeal against recommendation (6)	2	7	6	-	1	5	1	4	1	1	-
Decision not to deport	34	19	8	5	3	4	7	3	1	2	2
Left voluntarily	5	2	1	1	-	-	1	-	-	-	1
Deportation orders made	627	564	343	175	162	141	86	93	93	86	71
Restriction orders served (3)	16	7	7	3	-	1	3	1	-	4	2
Removals	396	372	401	95	101	98	78	94	108	104	95
of which											
Deportation orders enforced	348	337	384	89	95	91	62	88	105	100	91
Supervised departure	39	28	12	3	3	7	15	3	3	2	4
Removal by Immigration Service (7)	9	7	5	3	3	-	1	3	-	2	-
All Categories - Total (8)											
Notices of intention to deport	3213	3001	3424	754	736	717	794	922	824	824	854
Court recommendations made	678	519	404	178	106	107	128	98	90	112	104
Decision not to deport	200	232	321	44	56	60	72	170	52	62	37
Left voluntarily	167	156	171	34	25	52	45	82	37	28	24
Deportation orders made	1210	1083	833	315	284	294	190	209	229	207	188
Detention orders served (3)	1414	1294	1688	360	263	290	381	513	407	368	400
Restriction orders served (3)	853	654	791	199	125	133	197	188	178	196	229
Removals	2019	1786	2210	485	411	387	503	581	538	559	532
of which											
Deportation orders enforced	652	577	640	162	157	135	123	171	148	171	150
Supervised departure	1358	1202	1565	320	251	252	379	407	390	386	382
Removal by Immigration Service (7)	9	7	5	3	3	-	1	3	-	2	-

(1) Under the provisions of Section 3(5) and 3(6) of the Immigration Act 1971.
(2) Under Section 3(5)(a) of the Immigration Act 1971.
(3) Under paragraph 2 of schedule 3 to the Immigration Act 1971.
(4) Under Section 3(5)(b).
(5) Under Section 3(6).
(6) Following an appeal in a criminal court; not part of the immigration appeals procedure.
(7) As an alternative to deportation following conviction for a criminal offence.
(8) Includes also deportation action taken against persons as dependants, under Section 3(5)(c), for which the figures are very small.

ANNEX I

RACE RELATIONS EMPLOYMENT ADVISORY SERVICE

The Race Relations Employment Advisory Service

This is a specialist service provided by the Employment Department since 1966. The main objective of the Service is to promote Government policies aimed at eliminating racial discrimination in employment and promoting fair treatment and equality of opportunity. It operates nationwide through a network of 24 advisers based in London, Birmingham, Manchester, Leeds and Nottingham and provides advice, help and training to employers on the introduction and implementation of policies which ensure equal opportunity in employment.

RREAS works with employers, to improve access to and progress within employment of all racial groups. It helps to introduce and/or improve equal opportunities policies and to examine and modify their recruitment and promotion policies and practices, thus assisting employers to make the best use of all members of the labour market. RREAS provides advice on the Race Relations Act 1976 and the Commission for Racial Equality's Code of Practice. It also promotes the use by employers of the positive action provisions of the Act. The current objectives of the Service include the provision of help to a number of large firms in the development of equal opportunities strategies. This provides a means, along with the other activities of the service, of comparing and disseminating experience on changes in personnel management procedures which firms have found it helpful to introduce for this purpose.

Advisers also maintain and develop working links with appropriate organisations in the field of race relations, including the Commission for Racial Equality, Racial Equality Councils and ethnic minority organisations.

ANNEX J

THE EMPLOYMENT SERVICE

Racial Discrimination in Employment

1. The Employment Service (ES) was created in October 1987, bringing together in one organisation the job placement, counselling and benefit services previously provided by Jobcentres (JCs) and Unemployment Benefit Offices (UBOs). In April 1990 ES became an Agency, operating within the Employment Department Group (EDG). It is headed by a Chief Executive who is accountable through the Permanent Secretary to the Secretary of State for Employment. ES is currently integrating all JCs and UBOs into a single network of offices to provide job-broking, counselling and benefit payment services on one site.

2. One of the two priorities of ES is to help unemployed people back into employment. (The other being to ensure appropriate benefits are paid accurately and promptly.) In particular, ES focuses on long-term unemployed people. Other groups, such as those from minority ethnic groups, who are considered disadvantaged in the labour market are also targeted. This appendix describes activities which are of relevance to such groups, and also refers to some activities aimed specifically at helping people from minority ethnic groups.

Policy

3. ES policy is to make its services available equally to all, regardless of sex, ethnic origin or disability.

Its programmes and services are developed in accordance with this policy and aim at -

1. providing services from which all who are eligible can benefit;

2. aiming provisions at areas of greatest need.

4. Ethnic monitoring of programmes and services is undertaken, where practical in order to find out the rate of ethnic minority participation and to establish that they are freely available to all ethnic groups. In some instances (jobcentre services) this is done through surveys, in others (jobclubs, Restart Courses) by regular sampling exercises.

5. A policy section in ES Job Broking Branch is responsible for the co-ordination of ES policy on race. It liaises closely with the other Branches, with TEED and with the CRE.

Training for Staff

6. Training on race relations matters is included in the basic training courses for newly appointed field staff. Training is also available by videos and other materials which

are designed to stimulate discussion. Training covers legislation and ES's role in preventing discrimination, and helping staff to identify discrimination. Enhanced race awareness training for staff working in UPAs (Urban Programme Authorities) and the Scottish and Welsh equivalents has been developed.

Instructions

7. General guidance on race relations legislation, DE Group policy on race relations and services such as the Race Relations Employment Advisory Service is provided for all field staff, through DE Group circulars. The ES provides its own instructions which enlarge on issues of particular relevance to ES and provide detailed procedural guidance for staff.

8. A comprehensive guide 'Dealing with Discrimination' was produced and distributed to all local offices in September 1988. It drew together all existing instructions, supplemented with further information and presented it in an easy to follow format. The guide covers:

i. Procedures, including flow charts showing the action staff should take when dealing with cases of possible discrimination.

ii. Advice on how to 'Recognise and Deal with Discrimination'.

iii. Information about Industrial Tribunal decisions and previous cases.

The Guide is currently being revised and updated.

9. Jobcentre staff are instructed to challenge employers who seek to impose unlawful discriminatory conditions on vacancies. If cases cannot be resolved locally, services to the employer are suspended and the incident reported to Head Office, via Regional Office. In the majority of cases Head Office receives written assurances to the effect that the employer withdraws the discriminatory condition. Jobcentre managers are instructed to follow up these cases after three months to ensure the assurances were valid. Where cases are still unresolved at Head Office level, they are reported to the Commission for Racial Equality.

10. Where an employer notifies a vacancy and imposes no discriminatory restrictions, but subsequently refuses to consider a jobseeker on ground of race, the jobcentre manager will try to establish the reason and persuade the employer to see the jobseeker. Should the employer decline, the manager will advise the employer that:

a. the jobseeker will be told why an interview was refused and advised of his or her legal right to complain;

b. ES reserves the right to notify the CRE;

c. ES can no longer handle the vacancy.

11. Jobseekers who are seen by an employer but not engaged, allegedly on racial grounds, and wish to bring a complaint, are advised of their rights, and are given the necessary application forms to complain to an Industrial Tribunal.

Surveys of Ethnic Minority Usage of Jobcentres

12. Regular nationwide surveys are held of the ethnic origins of jobcentre users to establish whether jobcentres are meeting their needs. The first survey, held in March 1986, was carried out by visual assessment and the results have been published in 'Ethnic Minorities and Jobcentre'. A second national survey was carried out by self-assessment in October 1987 and the results were published in February 1989. On both occasions, posters were displayed in all the participating jobcentres encouraging the public to take part in the surveys but adding that they need not be included if they did not wish to take part. The first survey was supplemented by interviews to help qualify the statistics with the views and experiences of jobseekers from various ethnic backgrounds.

13. The results of the surveys have helped identify special needs of ethnic minority jobseekers. For example, approximately 60 specialist officers, called Inner City Officers, have been placed in various locations to help ethnic minorities and inner city residents generally, with outreach work.

14. Jobcentre managers are asked to examine the results of the survey for their areas to see if there are ways in which their services could be improved for ethnic minorities. The statistics for local areas are also made available to Racial Equality Councils on request.

15. In 1991/92 ES is undertaking a major piece of research to ascertain the level of usage and awareness of its services by people from different ethnic groups. Titled the "Ethnic Origin Equal Opportunities Survey" it is due to report in mid 1992.

Response to Special Needs

16. Employment Service provision can be adapted to meet the needs of those from ethnic minority groups. For example, both Restart Courses and Jobclubs have developed specialist provision, often using bi-lingual tutors or leaders sometimes working in outreach locations.

17. Programme Development Funds are often used by Regions in ways which assist ethnic minority jobseekers to make full use of Jobcentre and Unemployment Benefit Office services eg to pay for the expertise of interpreters.

18. The Job Interview Guarantee (JIG) was launched in November 1989 in 20 pilot areas. It aims to overcome the resistance of employers to long-term unemployed in inner city areas, a number of whom are from ethnic minority backgrounds.

JIG has since been extended to cover areas where there is a high concentration of long term unemployed people.

19. In 1991 ES asked all its local offices to develop action plans designed to combat discrimination and encourage equality of opportunity in recruitment and selection in their areas.

Many ES leaflets and publicity materials are available in ethnic minority languages; the situation is under constant review.

20. Apart from the national response outlined above, many individual jobcentres have responded to the special needs of their local ethnic minority populations with local initiatives designed to improve the delivery of services. The local initiatives relate to:

a. the use of ethnic minority languages for directional signs and displays;

b. facilities for specialist advisers to attend the jobcentre;

c. ways of bringing vacancies to the attention of ethnic minority communities - eg by outreach activities.

Annex L

EMPLOYMENT DEPARTMENT: TRAINING PROVISION FOR ETHNIC MINORITIES

Introduction

1. The Employment Department is committed to ensuring equality of opportunity in the labour market. This is reflected in the Group's Aims and Objectives. This Annex describes some of the ways in which the Department puts this objective into practice in the services it provides for the public.

2. The Department, through its Training, Enterprise and Education Directorate (TEED), is responsible for matters related to training and enterprise including policy on Training and Enterprise Councils in England and Wales.

TRAINING AND ENTERPRISE

TRAINING AND ENTERPRISE COUNCILS (TECs)

3. The White Paper "Employment for the 1990's" set out a new framework for training and enterprise in Britain. The most important change arising as the new framework is established, is the setting up of employer-led Training and Enterprise Councils (TECs) and, in Scotland, Scottish Enterprise, Highlands and Islands Enterprise and local enterprise companies (lecs).

4. The Secretary of State for Employment exercises her responsibility for policy in Great Britain on training in conjunction with the Secretary of State for Scotland, who has Ministerial responsibility for the operation of Scottish Enterprise and Highlands and Islands Enterprise. These two bodies are in turn responsible for the planning of training and enterprise in Scotland and for the local enterprise companies who deliver it. Scottish Enterprise and Highlands and Islands Enterprise became operational on 1 April 1991 and all the lecs came on stream during that year.

5. The Secretary of State exercises similar responsibility for policy in Great Britain on training in conjunction with the Secretary of State for Wales who has Ministerial responsibility for the operations of TEED and TECs in the Principality. Development of the network of TECs began in April 1990 and was completed when the 82nd TEC became operational in October 1991.

6. The role of TECs has to be seen within the broad objectives that the Government has for the training and enterprise system in this country. These were set out in the White Paper "Employment for the 1990s" which argued that Britain needed:

i. An economy based on high productivity and a high level of skill, that competes with the best in Europe.

ii. A learning culture in which everyone has the opportunity to improve themselves and their quality of life.

iii. Education which is relevant to work, of high quality and accessible to everyone.

iv. Employers who work for high quality training that improves their businesses.

Guiding Principles

7. TECs have a unique role in helping to achieve these objectives. Also set out in the White Paper were the principles that guide the operation of TECs. They include the principles that:

i. training and enterprise only make sense if they contribute to economic growth and the quality of life;

ii. decisions about training and enterprise should be taken locally;

iii. TECs must be led by employers but involve the whole community.

The Role of TECs

8. TECs operate in a way that:

i. is market related - ensuring that training is relevant to what is needed in the economy;

ii. is focused - breaking down barriers between education and training and making sure that both contribute to wealth creation;

iii. co-ordinates - to eliminate waste and rationalise the plethora of local initiatives, so that they make sense to local communities;

iv. improves the quality of training to get a better return on public and private money;

v. is a catalyst, coming up with new ideas to improve training and make local business more productive; and pump-priming where there is a good return for the community;

vi. increases the appetite of individuals and employers to be part of a learning culture where enterprise can thrive;

vii. can influence others - by being a recognised source of expertise and intelligence on what is needed for a prosperous community.

TEC EQUAL OPPORTUNITIES POLICY

9. The Government through the Employment Department has placed great importance on equal opportunities for those involved in its training programmes. With the advent of TECs the responsibility now lies with the TEC Boards and their Chief Executives to ensure that the equal opportunities message continues to be given a high profile.

10. The annual planning and strategic guidance issued to TECs by the Secretary of State for Employment outlines six priorities for action. One of these is that people who are at a disadvantage in the labour market must be helped to get back into work and to develop their abilities to the full.

11. TEC Boards have an obligation placed on them through the Operating agreement to be aware of equal opportunities and special needs issues. Each TEC has to state its equal opportunities policy and set out the practical steps it intends to take to implement its policy. It is required to make clear in its Corporate and Business Plans how it will meet the requirements of people in its area who have special needs - including people from ethnic minority groups, people with disabilities, returners to the labour market and refugees. As part of this process the TEC carries out a detailed market analysis of its area, drawing together a great deal of information from a variety of sources. This analysis highlights areas where the TEC can target its resources or perhaps carry out more research.

12. The detailed information in the TEC plan, must include:

- an equal opportunities policy statement and further details of how the TEC intends promoting equal opportunities within the local community;

- the means by which the TEC will fulfil its obligations to all client groups in the area, including those at a disadvantage in the labour market;

- any wider initiatives which specifically address particular needs identified in the labour market analysis.

13. Examples of work TECs are doing in equal opportunities includes:

setting up advisory groups with representatives from local organisations - including ethnic minority groups, women's groups and other voluntary organisations - to advise the TEC Board;

commissioning research into local provision for special groups - such as positive action training, language needs, childcare and creche provision;

ensuring that all providers of training have equal opportunities policies and their staff receive adequate training;

developing networks, for example with the assistance of the Commission for Racial Equality, to share good practice.

EMPLOYMENT TRAINING

14. Employment Training (ET) is the main Government funded training programme for unemployed adults. ET was introduced in September 1988 and is available for people aged from 18 to 59 years. It provides a flexible programme of individually tailored training and includes on-the-job practical work experience with employers.

15. Employment Training is designed primarily to help the long term unemployed and so first priority for places on ET goes to those who are aged 18-24 years and have been registered unemployed for between 6 and 12 months. There are concessionary eligibility routes for certain groups who are at a disadvantage in the labour market. For example, labour market returners, lone parents and those with language difficulties need not be registered unemployed for 6 months. Other special training needs are also catered for.

YOUTH TRAINING

16. The Government's main training programme for young people is Youth Training (YT). YT was born of the Youth Training Scheme in April 1990 after YTS was extended to a two year scheme. It provides vocational education and training leading to National Vocational Qualifications (NVQs). It aims to produce better qualified young entrants to the labour market who meet the needs for higher skills. Trainees with special needs are identified to ensure that they receive the required training.

17. YT is available to young people aged 16-25 years but the YT guarantee group gives priority to those aged 16-18 years. The YT guarantee has been extended to include, up to the age of 25 years, those who were unable to take up their training place earlier due to disability, ill health, pregnancy, custodial sentence, remand in custody, language difficulties or as a result of a care order.

TRAINING CREDITS

18. 20 TECs are developing Training Credits schemes, which give all young people leaving full-time education, within these TEC areas, the spending power to select and buy approved training. This training is relevant to both their own career development and the employment opportunities within the TEC areas. Careers information, advice and guidance have been substantially enhanced in the pilot areas including the provision of additional careers officer and education officer posts.

PERFORMANCE RELATED FUNDING

19. Performance Related Funding (PRF) was introduced in 1990/91 for TECs, with a fund equivalent to 2% of their budgets. It is an annual reward system under which TECs agree six separate targets. Three concern starts, on ET and YT, by people with disabilities and ethnic minorities and action in specific geographical areas, for example inner cities.

20. In 1991/92 the situation was similar save that the Ethnic Minority measure was changed to an output measure with the emphasis on the need to train successfully not simply to recruit numbers. The 1992/93 measure was changed slightly to concentrate more upon special needs groups. A full point is now awardable for the EM measure compared to the half point previously awarded.

EMPLOYMENT ACTION

21. Employment Action (EA) was launched in October 1991. The main focus of EA is temporary work to maintain existing skills and support in job search. Extra training is available to help develop skills necessary for the work and in basic job-finding skills. EA also allows the skills and efforts of participants to contribute to work of value in their area.

LANGUAGE SUPPORT

22. A major barrier to the labour market for people for whom English is a second language may be a lack of fluency in English. People requiring language support, and who are otherwise eligible for ET, can get the necessary training without having been registered unemployed for six months. This type of training is generally known as English for Speakers of Other Languages (ESOL). A number of TECs have been running development projects which produce a range of materials or link language training to particular vocational training.

POSITIVE ACTION TRAINING UNDER SECTION 37 OF THE RACE RELATIONS ACT

23. Positive action is a range of measures which employers, or other persons or bodies, can lawfully take under provisions in the Race Relations Act 1976 to help people from ethnic minorities compete for jobs on an equal footing with the rest of the workforce. Positive action does not seek to remove competition for jobs but to provide for fair competition, it is not reverse or positive discrimination. It is generally unlawful to discriminate on racial grounds in selection and promotion.

24. Broadly, positive action consists of encouraging people from under-represented racial groups to apply for jobs, or for training that will fit them for those jobs, and to provide such training restricted to those racial groups. The legislation also permits training designed to meet the special needs of particular racial groups. TECs are free to run positive action training where the local situation demands.

Positive action training is one way of supporting ethnic minority women who wish to return to work where this group is traditionally under-represented.

ETHNIC MINORITY GRANT/SECTION 11 - LOCAL GOVERNMENT ACT 1966

25. Section 11 of the Local Government Act 1966 enables the Home Secretary to pay grant to meet the additional salary costs of staff employed by Local Authorities to meet special needs arising from language or cultural barriers of people from the Commonwealth. The Government announced new arrangements for its more effective operation in October 1990 which included the introduction of a new Ethnic Minority Grant (EMG) to be available to voluntary sector organisations through TECs. TECs are seen as being ideally placed to sponsor and manage projects with voluntary organisations within the training and enterprise field and may target EMG on ethnic minority groups outside of those from the Commonwealth.

ETHNIC MINORITIES AND ENTERPRISE

26. From May 1992 responsibility for the majority of policy on business and enterprise issues moved to the Department of Trade and Industry. However, responsibility for delivery of training, advice, counselling and information for all those wishing to start a new business and for existing small and medium sized businesses rests with TECs. A number of TECs have established business centres which specifically address the needs of people from ethnic minorities. Others have appointed ethnic minority business counsellors and are targeting people from ethnic minorities in their publicity material describing TEC business services. Self-employment is one way to help unemployed people from ethnic minorities get back to work and the TEC can offer enterprise allowances to support those wishing to become self-employed.

27. Employment Department support for ethnic minority businesses, through TECs, builds on the Department's previous assistance with the Home Office's Ethnic Minority Business Initiative (EMBI) and its associated Ethnic Minority Business Development Team (EMBDT). This assistance took the form of : Secondment of a Higher Executive Officer from ED to the EMBT from September 1990 to January 1992; half-funding for running a series of workshops designed to enable bank managers more effectively to address the business needs of ethnic minority entrepreneurs; and, a contribution to the cost of EMBDT contracting with a consultant to produce a training module covering the needs of ethnic minority business people. The module has been designed to be inserted into existing courses for business counsellors and can be used by TEC staff.

EDUCATION

TECHNICAL AND VOCATIONAL EDUCATION INITIATIVE

28. TVEI was introduced to help produce a more highly competent, effective and enterprising workforce. Its role is to equip young people aged 14-18 for the demands of working

life in a rapidly changing, highly technological society. The pilot phase began in 1983 and following on from its success all LEAs were invited to take part. In 1987 it was extended to all full-time students aged 14-18 in maintained schools and colleges.

29. For equality of opportunity TVEI aims to:

increase ethnic minority representation in management structures of Education, Training and Employment partners;

encourage ethnic monitoring;

raise awareness of the nature of the multicultural curriculum and its contribution to meeting agreed targets.

COMPACTS

30. The Compacts Initiative aims to motivate students to attend school, achieve targets, continue their education and enter worthwhile jobs with training. It is a bargain between schools, young people and employers where young people work towards locally agreed goals and employers commit jobs with training or training leading to a job for those who achieve their goals.

31. Compacts are for all students (over 14 years of age) of all abilities, in a school including special schools and students with special educational needs and/or disabilities. Many Compacts formulate and practise effective action in this area. The approval process for operational funding requires a clear commitment to equal opportunities and the contract also requires Compacts to have an equal opportunities policy. The Compacts Handbook strongly advises that Compacts adopt a public code of equal opportunity practice.

32. The Compacts initiative began in inner city areas but is being extended to cover the entire country.

OTHER EMPLOYMENT DEPARTMENT INITIATIVES

33. Ensuring and providing equality of opportunity is a mainstream activity for all good employers and all those involved in the provision of vocational training, education and enterprise development programmes.

NATIONAL STANDARD FOR EFFECTIVE INVESTMENT IN PEOPLE

34. A major new business improvement initiative being led by TECs will help to further equal opportunity. The initiative, Investors in People, is based on a national standard for effective investment in people. Employers wishing to be recognised as Investors in People must demonstrate, amongst other things, that they develop all employees where necessary in order to meet business objectives. This includes demonstrating that managers are competent to carry out their

responsibilities for developing people. Assessment will be carried out by trained assessors, and the guidance to them includes specific references to the importance of equal opportunities.

NATIONAL TRAINING AWARDS

35. The National Training Awards were established six years ago to reward employers who invest in training their workforce. There are three main categories: employers; training providers; and, individuals. In 1991 there were 1784 entries with 82 corporate awards and 17 individual winners. In 1992, the Secretary of State announced the launch of two new awards to reward and promote successful workplace training for women and people from ethnic minorities.

OTHER ACTIVITIES

36. The Employment Department is represented on the Refugee Education, Training and Employment Forum where issues of concern about the employment, education and training of refugees and asylum seekers are raised. Other organisations represented include the Refugee Council, Other Government Departments and interested bodies.

37. The Employment Department is also involved with various inner city programmes run by the Department of Trade and Industry and the Department of the Environment, such as the Action for Cities Initiative and City Challenge.

Part Two

DEPENDENT TERRITORIES

I. ANGUILLA

A. Policy on elimination of racial discrimination

1. Legislative arrangements. Section 13 of the 1982 Constitution, which forms part of the Chapter headed "Protection of fundamental rights and freedoms", contains provisions prohibiting discriminatory legislation or discriminatory treatment. Consistent with these constitutional provisions and with the view in all sectors of society that racial discrimination is abhorrent, the government of Anguilla is committed to preventing a policy of discrimination in any form from arising in Anguilla. Its determination to take any appropriate action to that end was manifested on the occasion of the enactment of the Fair Labour Standards Ordinance 1988, by the inclusion in that Ordinance of a provision (section 11 (2)) prohibiting an employer from terminating the employment of an employee on the grounds of, inter alia, "race, colour ... or ... national extraction ..."

2. Judicial arrangements. There is an independent judiciary. Direct access to the courts by all, on an equal basis, is guaranteed by the Constitution. Subject to certain limited exceptions the Constitution prohibits any law from making any provision which is discriminatory on racial or other grounds either of itself or in its effect and also prohibits, inter alia, racial discrimination by any person acting in a performance of the functions of any public office or public authority. Breach of any of these provisions would give rise to a right of redress before the courts.

3. Administrative arrangements. There are no administrative arrangements directed specifically against racial discrimination because none has been found to be necessary. It should, however, be noted that:

(a) Anguilla has an advanced form of ministerial government with members of the legislature being elected by adult suffrage subject to limitations concerned only to ensure that voters are "Belongers";

(b) The public service is predominantly localized; and

(c) The police force is also predominantly localized.

B. General legal framework in which racial discrimination is defined

4. "Racial discrimination" is not, as such, defined. "Discriminatory", as used in section 13 of the Constitution (see para. 1 above) is, however, defined in subsection (3) of that section as meaning "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description".

C. Recognition on equal footing of human rights and fundamental freedoms

5. The Chapter of the Constitution which is concerned with "Protection of fundamental rights and freedoms" (see para. 1 above) applies to all persons in Anguilla.

D. Invocation of provisions of the Convention

6. The Convention does not, of itself, form part of the law of Anguilla and cannot, therefore, be directly invoked as a source of rights or duties. If there is any doubt, the laws of Anguilla must, however, be interpreted in accordance with international obligations, of which those of the Convention form part. There is no need to make the Convention part of the law of Anguilla, particularly given the compatibility of existing law with the Convention and the absence in practice of any racial discrimination such as to make the enactment of further legislation on the subject either necessary or appropriate.

E. Demographic composition of the population

7. The present population of Anguilla is estimated to be in the region of 7,000. Of these, approximately 1,000 were born elsewhere in the Caribbean and about 3,000 in non-Caribbean countries. Almost all those born in the Caribbean are of African descent. The remainder are mostly of Caucasian descent, although some of those born in the United States are of African extraction. It is to be noted that there is a proportionately large number of "Anguillans" permanently resident outside Anguilla, many in the United States, the United States Virgin Islands or St. Martin.

F. Investment and tourism

8. There is involvement in commerce by persons of different races. Non-Belonger involvement in business is, however, confined to capital investment or businesses requiring particular skills which may not be available in sufficient quantity among Belongers. Belonger involvement in business is limited only by lack of education or capital. The Government continues to do all it can to improve the education of Belongers and to increase the availability of capital. Its policy is, in any event, to ensure that there is local involvement in business to the fullest possible extent; and, in furtherance of this policy, the availability of permits for aliens to work or hold land in Anguilla is closely restricted.

9. The Government remains determined to ensure that racial discrimination does not arise in the course of the development of the tourist industry in Anguilla and that such development takes place in a manner which is in the interest of the indigenous population.

G. Education

10. All schools in Anguilla, governmental or private, are open to all races and the syllabus emphasizes regional factors, including the Afro-Caribbean elements.

II. BERMUDA

A. Policy on elimination of racial discrimination

1. Legislative arrangements. Section 12 of the 1968 Constitution, which forms part of the Chapter headed "Protection of Fundamental Rights and Freedoms of the Individual", guarantees protection against discrimination on the grounds of, inter alia, race.

2. The Human Rights Act 1981 made further provision in this field by prohibiting discrimination on the grounds of, inter alia, race in the areas of (a) the supply of goods, facilities or services, (b) accommodation, (c) contracts, (d) public notices, (e) employment or (f) membership of organizations. In addition, the Act contains a prohibition against the publication, with intent, of threatening, abusive or insulting material likely to excite or promote ill will against any section of the public on grounds of colour, race or ethnic or national origin. The Human Rights Act 1988 now extends protection from discrimination, in the areas to which the 1981 Act applies, to disabled persons.

3. On 29 June a Discussion Paper was presented to Parliament setting out proposals by the Government for the amendment of the human rights legislation to provide additional provisions expanding on the rights and freedoms guaranteed by the Constitution. It is the intention of the Government that, once reactions have been received fromthe public and a debate has taken place in Parliament, drafting instructions should be issued for the preparation of a bill to be submitted to Parliament to amend the human rights legislation.

4. Judicial arrangements. There is an independent judiciary and direct access to the courts is open to all, on a basis of equality. Under Section 15 of the Constitution, a person may seek redress from the Supreme Court for alleged violation of his constitutionally guaranteed rights.

5. The Human Rights Commission, established under the Human Rights Act 1981, is responsible for investigating and seeking to resolve complaints of racial discrimination. Unresolved cases may be referred to the Minister of Community Affairs to establish a Board of Inquiry. The process allows for appeals to the Supreme Court against the decision of a Board of Inquiry.

6. The numbers of cases of allegations of racial discrimination made to the Commission and considered by it to warrant an investigation have been small and on the decline in recent years - eight in 1987, seven in 1988 and three in 1989.

7. Administrative arrangements. The Human Rights Commission consists of 12 persons appointed by the Governor, acting with the advice of the Premier who first consults the Leader of the Opposition.

8. The Commission is supported by a full-time staff of three persons and had an operating budget for 1989/1990 of $185,000. It is active in public education on issues with which it is concerned. It provides speakers for interested organizations, conducts public discussions on topical matters and

hosts a weekly radio programme designed for the reception of telephone calls from members of the public who wish to participate.

9. The Commission, in conjunction with Amnesty International and other community organizations, annually hosts special programmes for the public observance of Human Rights Day (10 December).

B. General legal framework in which racial discrimination is defined

10. "Racial discrimination" is not, as such, defined, but, to take the case of the Human Rights Act 1981, section 2 (2) provides that

> "For the purposes of this Act a person shall be deemed to discriminate against another person -
>
> (a) if he treats him less favourably than he treats or would treat other persons generally or refuses or deliberately omits to enter into any contract or other arrangement with him on the like terms and the like circumstances as in the case of other persons generally or deliberately treats him differently to other persons because -
>
> (i) of his race, place or origin, colour or ancestry;
>
> ...
>
> (b) if he applies to that other person a condition which he applies or would apply equally to other persons generally but -
>
> (i) which is such that the proportion of persons of the same race, place of origin, colour, ancestry ... of that other who can comply with it is considerably smaller than the proportion of persons not of that description who can do so; and
>
> (ii) which he cannot show to be justifiable irrespective of the race, place of origin, colour, ancestry ... of the person to whom it is applied; and
>
> (iii) which operates to the detriment of that other person because he cannot comply with it."

C. Recognition on equal footing of human rights and fundamental freedom

11. The Chapter of the Constitution which is concerned with "Protection of Fundamental Rights and Freedoms of the Indidivual" (see para. 1 above) and the provisions of the Human Rights Act 1981 concerning racial discrimination apply to all persons in Bermuda.

D. Invocation of provisions of the Convention

12. The Convention does not, of itself, form part of the law of Bermuda and cannot, therefore, be directly invoked as a source of rights or duties. In

interpreting local laws the courts would, however, have regard, in any case of doubt, to relevant international obligations, including those of the Convention.

E. Demographic composition of the population

13. The resident population in 1987 stood at around 58,000. The racial composition is about 60 per cent black and 40 per cent white. Many minority groups are represented in Bermuda, the largest and most established being the Portuguese.

F. Immigration and employment

14. Immigration policy is essentially designed to lead to the achievement of "Bermudianisation" wherever possible, without lowering the standards of efficiency or service. The strength of Bermuda's economy and the wide diversity of jobs has, however, meant that there are not enough Bermudians to meet the demand. On the one hand, the Immigration Department has a responsibility to protect the interests of the potential Bermudian employee. On the other, there is a responsibility to the employer not to impede the successful operation of business. Clearly, with an insufficient number of Bermudians to fill the job market Bermuda will for some time find it necessary to recruit non-Bermudians from overseas. It follows that a satisfactory balance must be attained, and the Government's employment policies are devised with that in mind. Basically, the policy which is followed, and which involves no element of racial discrimination either in itself or in its implementation, is: where several applicants for a job are qualified and suitable, the job must be offered to the Bermudian applicant first, the non-Bermudian spouse of a Bermudian second and remaining non-Bermudian third.

G. Education

15. Every educational establishment in Bermuda, public or private, is open to all, irrespective of race.

III. BRITISH VIRGIN ISLANDS

A. Policy on elimination of racial discrimination

1. Legislative arrangements. Racial discrimination is not a problem in the British Virgin Islands and the Government has seen no need for the enactment of legislation directed in general terms against it. The Government is, however, committed to a policy of preventing racial discrimination in any form from arising and would take appropriate action to that end in any field where it was satisfied that the action was necessary. At present, no further action appears to be called for beyond the legislative measures referred to in paragraphs 8 and 9 below.

2. Judicial arrangements. There is an independent judiciary and access to the courts is open to all, on a basis of equality.

3. Administrative arrangements. No special administrative arrangements directed against racial discrimination have been established because none has been found to be necessary.

B. General legal framework in which racial discrimination is defined

4. "Racial discrimination" is not, as such, defined. The Labour Code Ordinance 1975 (see para. 8 below) provides, however, in the proviso to its section C4 (1) that the prohibition on racial (and other) discrimination earlier in that section is not to be construed as forbidding the taking of personnel actions genuinely related to that person's ability to discharge the duties of the employment in question.

C. Recognition on equal footing on human rights and fundamental freedoms

5. The laws concerning human rights and fundamental freedoms apply on an equal footing to all persons in the British Virgin Islands.

D. Invocation of provisions of the Convention

6. The Convention does not, of itself, form part of the law of the British Virgin Islands and cannot, therefore, be invoked as a directly applicable source of rights and duties. If there is any doubt, the courts could, however, be expected to interpret the laws of the British Virgin Islands in accordance with applicable international obligations, including those of the Convention where relevant.

E. Demographic composition of the population

7. The census which was to have been held in 1990 (see CERD/C/172/Add.16) has been postponed. The present population is, however, estimated to be about 17,000 and the demographic composition is not thought to differ markedly from that reported in document CERD/C/149/Add.7 on the basis of the census of 1980.

F. Employment

8. The Labour Code Ordinance 1975 prohibits discrimination in employment, in the fields of hire, tenure, wages, hours, or any other condition of work, by reason of race, colour, creed, sex, age or political beliefs (section C4 (1)).

G. Education

9. The Education Ordinance 1977 provides that no person shall be refused admission to any Government or assisted school on account of religious persuasion, race or language of the person or either of his parents. All educational establishments in the British Virgin Islands, public or private, are in fact open to all, regardless of race.

IV. CAYMAN ISLANDS

A. Policy on the elimination of racial discrimination

1. From a blend of antecedents originating in Europe and Africa, the Caymanian population has over the years enjoyed a unique quality of social and racial harmony. This has served to promote the Cayman Islands' political stability and their economic growth in the two main areas of tourism and offshore finance, in both of which there is a heavy dependence on imported skills.

2. Harmonious growth remains a feature in which this multiracial society continues to take pride. The census of 1989 showed more than 100 different countries of birth, represented mainly in a large sector of foreign residents. These not only contribute skills but also enrich the Islands culturally, in an atmosphere exhibiting little or no awareness of colour or racial origin.

3. Given this level of racial and social integration, successive governments have seen no need to legislate general policy on racial discrimination. The Cayman Islands have in fact been able to report consistently, since the Convention entered into force for them in 1969, the absence of any contravening legislative, judicial or administrative measures.

B. General legal framework in which racial discrimination is defined

4. "Racial discrimination" is not, as such, defined. The Labour Law 1987 (see para. 10 below) provides, however, in its section 72 (2) that subsection (1) of that section, which creates an offence of racial (or other) discrimination in employment, is not to be construed as prohibiting the taking of any personnel action genuinely related to an employee's ability to discharge the duties of the employment in question.

C. Invocation of provisions of the Convention

5. The Convention does not, of itself, form part of the law of the Islands. Its provisions cannot, therefore, be invoked as a direct source of legal rights and duties. In interpreting local laws the courts would, however, have regard, in any case of doubt, to relevant international obligations, including where appropriate those of the Convention.

D. Demographic composition of the population

6. The Islands were uninhabited when discovered in 1503. Since then they have been populated from various sources. Early settlers included explorers, missionaries, deserters from invading forces in nearby Jamaica, freed slaves, buccaneers, turtlers, boat builders and professional seafarers. In recent years their descendants have been supplemented by the arrival of foreign workers with skills needed to augment those of the relatively small indigenous labour force. This presence of foreign workers, including dependants, was counted in the census of 1989 at 8,378. The figure for the actual non-Caymanian workforce (15 years of age and above) was 5,882, while that for Caymanian workers was 8,977. In these two groups, the proportion of the management and technical category of workers was, respectively, 54 per cent

and 46 per cent. Based on the same census, the estimate in December 1990 for the total population of the three islands was 25,800 (Grand Cayman 24,386; Cayman Brac 1,441; and Little Cayman 33).

7. Against this pluralistic background, racial intermarriage is a frequent occurrence and the compiling of statistics about racial origin is seen as superfluous, if not offensive. Accordingly, the 1989 census, like its predecessors, ignored this area.

E. Information relating to articles 2 to 7 of the Convention

Article 2

8. Previous reports for the Islands under the Convention have explained that the enactment of discriminatory legislation is prohibited by the 1972 constitutional arrangements. The Royal Instructions issued to the Governor as part of those arrangements require him to withhold consent, without approval from London, to any bill which would impose disabilities or restrictions upon, or grant advantages to, persons of any community or religion. It remains the case that there has been no instance of any such bill being referred to London.

9. Also of some relevance is the Genocide Law 1970, which gave effect in the Cayman Islands to the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations in 1948. Genocide, within the meaning of the Convention, includes acts (among which may be the infliction of mental harm and conditions of life calculated to bring about physical destruction) committed with intent to destroy "a national ethnical, racial or religious group".

10. Despite the widely held view that racial discrimination is foreign to the Cayman Islands, it was thought to be, on balance, desirable to include in the first comprehensive labour law for the Islands specific provision making it an offence to discriminate, with respect to any person's hire, promotion, dismissal, tenure, wages, hours or other conditions of employment, by reason of, inter alia, colour or race (section 72 (1)).

11. Further legislative measures concerning racial discrimination have not been seen to be necessary, although in the course of the 1991 Constitutional Review (see para. 15 below) the issue of incorporating a bill of rights to protect human rights and fundamental freedoms has been among those raised. On the two latest occasions, however, when the question of the possible introduction of a bill of rights was debated in the legislature - in September 1989 and in July 1990 - the motions were defeated on the grounds that existing protections were adequate. On each occasion the mover conceded that the motion was not in response to a currently perceived need, but rather as a precaution against any possible future threat.

Articles 3 and 4

12. The idea of racial discrimination is repugnant to the vast majority of Caymanians, who would countenance neither the practice of it nor any incitement to it. Caymanians are an aware and articulate people, who value

their freedom of expression and their democratic system of government. They state their views uninhibitedly at public meetings and in local publications, unfettered by official controls, so that no form of racial discrimination or other infringement of human rights could be expected to escape public exposure and condemnation.

13. The external affairs of the Cayman Islands are the responsibility of the United Kingdom.

Articles 5 and 6

14. The health of the Islands' democratic system, with its tradition of more than 150 years of parliamentary government was shown again in the peaceful general election of 1988, in which 83 per cent of the electorate voted and 24 candidates competed for 12 seats. Free elections every four years, on the basis of universal suffrage and a secret ballot, ensure to the people the right to choose their own legislators, from among whom are elected an executive to govern the Islands, in accordance with the terms of the 1972 Constitution. That Constitution was drafted on the basis of extensive public inquiries and introduced significant changes from the provisions of its predecessor, the 1962 Constitution.

15. Campaign platforms in the 1988 election, as on previous occasions, expressed no dissatisfaction with the Islands' constitutional status, which is widely regarded as having served the Islands well in their progress to their present stage of economic and social advancement. Nevertheless, the United Kingdom Government has consistently reiterated that the Islands have full freedom to advance constitutionally and to independence if they so wish. Consistent with this position, the Secretary of State approved a request by the Cayman Islands Legislative Assembly in late 1990 for a review of the Constitution. The Review began in January 1990 and has involved wide consultation with all sectors of the public. Its outcome is not known at the time of this report.

16. Caymanians value highly the existence of an independent judiciary, with access to the courts open to all without restriction and with a legal aid system to provide defence to those unable to pay for it. In 1989 a motion was passed by the Legislative Assembly to establish a Select Committee to consider the need for the setting up of a Public Defender's Office to ensure an even wider accessibility of legal services to all persons in the Cayman Islands, regardless of economic status. The Committee was, at the time of this report, still continuing its deliberations.

17. The ultimate appeal from the courts of the Cayman Islands lies to the Judicial Committee of the Privy Council in London. Again, reporting by an unfettered press enables the working of the judicial system at all levels to be monitored by the public.

18. The Royal Cayman Islands Police is about two thirds Caymanian, as a result of sustained campaigns of local recruitment.

19. A tribunal which has an important role in the Islands is the Caymanian Protection Board. This was set up by the Caymanian Protection Law 1971, which

was enacted with the principal purpose of protecting the way of life of the Caymanian people and ensuring that their interests were not damaged by the inflow of capital and workers from overseas. The Board administers the Law in accordance with directives issued by the Executive Council. In its decisions on applications for work permits and business licences for non-Caymanians the Board seeks to ensure that Caymanians are able to share in and contribute to the development of their Islands. The Board also places emphasis on the policy of replacing expatriates with Caymanians as they become more suitably qualified. In furtherance of this policy, the Government has identified the development of indigenous resources as a key priority for the 1990s. The Government has set the pace for this development by implementing in the civil service, in conjunction with United Nations agencies, an upper and middle-management training programme. In addition, the Government established a Management Services Unit in early 1990 to assist managers in the introduction of modern management principles, to enhance productivity and to improve the provision of services.

20. In conjunction with this drive to prepare Caymanians fully to take advantage of available opportunities, government policies restrict the number of grants of status (the local equivalent of citizenship), favouring persons with close connections to the Islands. Provision is nevertheless made for foreign workers who fulfil a qualifying period of residency and other conditions to apply for status. Permanent residency is also available to foreign residents who do not wish to be employed. The historic pattern of building the Islands' population from many sources therefore continues. A directive issued to the Board in 1987, reaffirmed in 1989 and again, with some modification, in 1990 was, however, aimed at avoiding the social imbalance which could result from the preponderant recruitment of workers from a particular region.

21. It is widely acknowledged that, with full employment and an expanding economy, the replacement of expatriates must be a gradual process. The Government will, however, continue with vigour the policy of replacement, while ensuring that encouragement for Caymanians does not become discrimination against others.

22. The are no restrictions on foreign ownership of land.

Article 7

23. As part of the effort to ensure the advancement of the indigenous population by better equipping its members to take their rightful place in social and economic development, specific and concrete measures are being taken in the field of education, in the arts, in the preservation of Caymanian culture and in all areas of health provision.

24. The overall objective is to ensure the continued harmonious integration of this multiracial population, particularly in respect of equality of opportunity and access to resources by the indigenous sector. This goal is pursued, with strong awareness, at educational establishments, at the work place and in the social, cultural, recreational and health spheres.

25. Education continues to be the Government's single highest budget item. It consistently claims more than 10 per cent of the national budget in recurrent expenditure, which in 1991 was projected at over CI$ 13 million. This included more than CI$ 0.5 million in support of some 50 of over 100 Caymanian students pursuing higher education overseas.

26. The Government also committed in the 1991 budget more than CI$ 1 million towards the phased CI$ 4 million construction programme of the Community College. This facility is aimed at extending the range of educational opportunities and providing a "second chance" at education. The Government also continue to subsidize private schools, to the amount of CI$ 250,000 annually.

27. Evidence that this heavy investment is having the desired impact was to be found from the data collected in the 1989 census. This showed that, among the general population, 45 per cent of the Caymanian sector had less than GCE (General Certificate of Education - the then British school-leaving external examination) "O" level education, compared with 35 per cent among the non-Caymanian sector. Among the younger population, however, in the 15 to 29 age group, this picture was almost reversed, with 26 per cent of the Cayman sector having less than "O" level education, compared with 31 per cent of the non-Caymanian sector.

28. That this changing educational profile is enabling Caymanians to reap economic benefits on a par with the expatriate community was also evident from data collected in the 1989 census. Data on income showed that the average weekly employment income for a household of Caymanians was CI$ 698, compared with CI$ 639 in the non-Caymanian sector.

29. Emphasis on the development of human resources extends to the provision in the annual budget of increased support for boy scouts, boys' brigades and other youth organizations. Almost CI$ 250,000 were allotted in 1991 for sports grants. The Government's objectives in these areas are aimed at raising national consciousness and standards, as well as promoting the salutary effect of sports.

30. Other grants went to the Cayman National Trust, established by statute in 1987, which has embarked on a programme aimed at the preservation of the Caymanian way of life and the protection of the natural environment, and to the National Cultural Foundation, for the development of the arts and of local culture. Grants in support of these activities amounted in total to almost CI$ 170,000 in the 1991 budget.

31. The Cayman Islands National Museum opened on 17 November 1990. The Government has made budgetary provision for a sum of just under CI$ 100,000 for its further development in 1991. The museum contributes greatly to the promotion of a stronger Caymanian identity and awareness. It is complemented in this respect by the Archives and Records Office, which was established in 1988.

32. In addition to the direct contribution which these various organizations and activities make towards the preservation and greater awareness of

Caymanian culture and way of life, they attract cross-cultural participation and thereby promote racial and social harmony.

33. Schools have also been placing increased emphasis in their curricula on the promotion of knowledge of local history, geography and traditions and on civic affairs.

34. The results of all these efforts are reflected in the steadily improving educational achievements of Caymanians and the consequent progression into top posts in management, in the public as well as in the private sector, and in their application of skills over a wide range of increasingly sophisticated economy.

35. These efforts demonstrate the Government's wholehearted commitment to the all-round development of the people of the Cayman Islands - educationally, socially and culturally. The Government is well aware that any neglect in any of these areas would threaten the continuing racial and social harmony in the Islands, which must for many more years draw on an interntional pool of manpower resources.

36. The goal continues to be to promote pride in things Caymanian, and thereby strengthen local identity, in a cosmopolitan society enriched by its international community.

V. FALKLAND ISLANDS

I. General

A. Policy of eliminating racial discrimination in all its forms

1. Legislative arrangements

1. Historically, and at the present day, racial discrimination does not exist in any form in the Falkland Islands. The Government is committed to prevent racial discrimination in any form from arising, and will not hesitate to take any appropriate action to this end. Section 12 of schedule 1 to the Falkland Islands Constitution Order 1985 (made by the United Kingdom under the British Settlements Acts 1887 and 1945) contains provisions protecting against discrimination on grounds of race, sex, place of origin, political opinions or affiliations, colour or creed.

2. Judicial arrangements

2. Chapter VIII of the Constitution provides for the independence of the judiciary. It provides for a Supreme Court (presided over by an experienced lawyer) and for a Court of Appeal consisting of at least three experienced judges. There is no restriction on access to the courts by relation to a person's race, religion, creed or national origin. Indeed, it is considered that any such restriction would be contrary to section 12 of the Constitution. Section 16 of the Constitution provides for direct access to the Supreme Court by any person who claims that any contravention of any provision of sections 1 to 15 of the Constitution has occurred or is likely to occur in respect of him. If in any proceedings in any lower court any question arises as to contravention of any of the provisions of sections 1 to 15 (inclusive) of the Constitution that court may, and is required if requested to do so by a party to the proceedings, refer the matter to the Supreme Court for determination.

3. Administrative arrangements

3. There are no specific anti-racial discrimination administrative arrangements. It should be noted, however:

(a) That the Falkland Islands, excluding military personnel, have a population of 2,050, according to the 1991 census report;

(b) The resident population of the Falkland Islands is racially homogenous and no incidents of racial discrimination are known to the Government as having occurred in the Falkland Islands.

B. General legal framework in which racial discrimination is defined

4. "Racial discrimination" is not, as such, defined. Instead, section 12 (3) of the Constitution defines "discriminatory treatment" as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions or affiliations, colour, creed or sex whereby persons of one such description are

subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description".

C. Recognition on equal footing of human rights and fundamental freedoms

5. The preamble to chapter I of the Constitution (which deals with protection of fundamental rights and freedoms of the individual) also contains the following:

> "and whereas every person in the Falkland Islands is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, regardless of race, place of origin, political opinions or affiliations, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely
>
> (a) life, liberty, security of the person, the enjoyment of property and the protection of the law;
>
> (b) the freedom of conscience, of expression (including freedom of the press) and of peaceful assembly and association; and
>
> (c) protection for his family life, his personal privacy, the privacy of his home and other property and from deprivation of property without fair compensation."

6. Section 1 of the Constitution, which immediately follows, is in the following terms:

> "the provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid individual rights and freedoms, subject to such limitations on that protection as are contained in those provisions, being limitations designed to insure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest".

"The provisions of this Chapter" in section 1 consist of provisions designed to protect the fundamental rights and freedoms of the individual. They include, of course, section 12 (mentioned above) dealing with protection from discrimination on grounds of race, sex, etc.

D. Invocation of provisions of the Convention

7. The Convention does not form, of itself, part of the law of the Falkland Islands and cannot, therefore, be directly invoked before the courts. Nevertheless, the courts of the Falkland Islands are under an obligation, in case of doubt, to interpret the laws of the Falkland Islands in accordance with international obligations, of which the Convention is a part. There has been to date no need to make the Convention part of the law of the Falkland Islands. No existing law of the Falkland Islands is contrary to the Convention and if such a law were ever enacted it is difficult to envisage circumstances in which it would not be contrary to one or more of the

provisions of chapter I of the Constitution. There is at present no racial discrimination existing such as to render the enactment of legislation on racial discrimination necessary or appropriate so as to supplement the provisions of section 12 of the Constitution. The Government is firmly committed to preventing racial discrimination in any of its forms from arising in the Falkland Islands and will not hesitate to introduce appropriate legislation if the need to do so at any time arises. The tables contained in this report (see below) showing population by reference to birthplace and sex and by reference to nationality and sex, reflect the only statistics the Government has relative to the composition of the population; neither birthplace nor nationality is an indicator of a person's race.

8. Since the Falkland Islands has a very small population, the Government is aware by observation of the apparent racial origins of the population. Very predominantly, the people of the Falkland Islands are of Caucasian extraction. It is believed that, by reason of their ancestry, that some of the people of the Falkland Islands whose forebears came to the Falkland Islands from South America may have some forebears of Amerindian race. It is known also that in the past a very few persons emigrated from St. Helena and intermarried, so that some of the population born in the Falkland Islands may be partly of Indian or African extraction. Moreover, historically, a number of seamen from shipwrecked vessels settled in the Falkland Islands, married and had children. No record or reliable information exists as to the racial origins of these seamen.

9. It should be clearly understood that the 1991 census report does not include military personnel or contractors because persons within those categories are individually only resident in the Falkland Islands for short periods (very often for a few months only). The racial composition of persons within those categories is varied and has resulted in the presence in the Falklands Islands of a greater diversity of racial mix than was the case prior to 1982. This has not given rise to any form of racial tension. As far as the armed forces themselves are concerned there exist, of course, comprehensive provisions under United Kingdom law relating to military discipline completely adequate to deal with any manifestation of racial discrimination which might arise within the armed forces of the United Kingdom serving in the Falkland Islands.

10. For a number of years foreign seamen engaged on fishing boats fishing in the South Atlantic have come ashore in some numbers in Stanley for recreational purposes. With the full cooperation of the Government, Korean and Japanese fishing associations have established premises in Stanley for the purpose of assisting their seamen when ashore. The Government has in mind the provision of other such facilities.

11. There is full employment in the Falkland Islands which has, in fact, resulted in a marked shortage of labour. For several years financial assistance has been offered to prospective immigrants by the Falkland Islands Development Corporation and this is offered irrespective of the racial origins of the prospective immigrant concerned. The Government foresees that it may be necessary to encourage immigration on a rather higher level than previously during the next few years. It intends to devise policies which will ensure

that this is achieved with the minimum possible social friction. The Government will continue to operate immigration policies which are not racially discriminatory.

II. Information in relation to articles 2 to 7 of the Convention

Article 2

12. The requirements of Article 2 have, for the most part, been dealt with in part I above. The Government does not consider that any formal action other than that which has been referred to above is necessary since none of the evils to which article 2 is directed at present exists in the Falkland Islands.

Article 3

13. No racial segregation exists in the Falkland Islands. Apartheid is regularly condemned by religious leaders of the Falkland Islands community and no formal action by the Government is appropriate.

Article 4

14. As previously stated, no specifically anti-racial discrimination legislation has been enacted. Many acts of overt racial discrimination would give rise to a civil right of action before the courts and would also amount to crimes for other reasons.

Article 5

15. Chapter I of the Constitution contains provisions which, it is believed, sufficiently implement the provisions of the Convention. If, at any stage, it becomes apparent that any further legislative, judicial, administrative or other measures are necessary to give effect to article 5, the Government, in accordance with its commitment to the objectives of the Convention, will not hesitate to take them.

Article 6

16. Reference is made to section 16 of the Constitution which gives an effective right of access to any person to the Supreme Court in respect of any act which violates his human rights and fundamental freedoms including, but not of course limited to, acts of racial discrimination. No person has ever made complaint to the Supreme Court of the Falkland Islands that any of his fundamental rights and freedoms under the Constitution have been violated.

Article 7

17. There are no legislative or administrative arrangements specifically within the ambit of this article. From early reading books onwards, material and textbooks used in schools in the Falkland Islands portray people of all races and cultures mixing together on a basis of equality and all such texts are specifically written so as to encourage the elimination of all forms of racial prejudice.

Table 1

Population by country of birth

Falkland Islands	1 248
United Kingdom	634
	1 882
Other countries	
Antilles	1
Argentina	20
Australia	8
Belgium	1
Bermuda	1
Botswana	1
Brazil	4
Canada	8
Chile	43
Denmark	1
East Africa	2
Eire/Ireland	3
France	2
Germany	8
Greece	1
Hong Kong	1
India	1
Italy	1
Japan	19
Kenya	1
Korea	8
Malawi	1
Nauru	2
Netherlands	3
New Zealand	16
Paraguay	1
Peru	1
Philippines	6
Senegal	1
Seychelles	2

Table 1 (continued)

South Africa	3
Spain	9
St. Helena	29
Taiwan	5
United Arab Emirates	2
Unites States	14
Uruguay	3
Yugoslavia	1
Zambia	1
Zimbabwe	1
	236
Unknown	3
	2 121

Notes:

1. This table includes all persons present in the Falkland Islands on Census Night (excluding persons aboard visiting vessels and those persons serving with, or in the Islands in connection with, the military garrison).

2. Some of those born in the United Kingdom and Argentina are children of persons born in the Falkland Islands where the mother's confinement, for medical reasons, occurred overseas.

Table 2

Population by citizenship

British	1 989
Others	
Argentine	1
Australian	6
Belgian	1
Brazilian	3
Canadian	7
Chilean	23
Dutch	2
French	2
Greek	1
Indian	1
Irish	1

Table 2 (continued)

Italian	1
Japanese	19
Korean	8
New Zealand	14
Paraguayan	1
Peruvian	1
Philippines	5
Senegal	1
South African	2
Spanish	8
Taiwanese	5
United States	13
Uruguayan	1
Zambian	1
Zimbabwean	1
Unknown	3
	2 121

Note: This table includes all those in the Falkland Islands on Census Night (excluding persons aboard visiting vessels and those persons serving with, or in the Islands in connection with, the military garrison).

VI. GIBRALTAR

A. Policy on elimination of racial discrimination

1. Legislative arrangements

1. The law in Gibraltar on racial discrimination is essentially contained in the Constitution of Gibraltar as set out in the Gibraltar Constitution Order, 1969, which came into operation on 23 May 1969.

2. The fundamental aim which underlines the Gibraltar Constitution Order is to protect the fundamental rights and freedoms of the individual, without discrimination of whatever nature including race.

3. Chapter 1, paragraph 1, specifically states that there shall continue to exist in Gibraltar, without discrimination, by reason of race, place of origin, political opinions, colour, creed or sex, certain human rights and fundamental freedoms which shall consist of:

(a) The right of the individual to life, liberty, security of the person and the protection of the law;

(b) Freedom of conscience, of expression, of assembly and association, and to establish schools; and

(c) The right of the individual to protection of the privacy of his home and other property and from deprivation of property without compensation.

These fundamental rights are subject to such limitations as are contained in provisions (a), (b) and (c), being limitations designed to ensure that the enjoyment of the said rights and freedoms by an individual does not prejudice the rights and freedoms of others or the public interest. (Provisions 2 to 13 of the Gibraltar Constitution Order contain the relevant limitations and provisos.)

4. The Gibraltar Constitution Order, 1969 also enshrines the fundamental provision that no law shall make any provision that is discriminatory either of itself or in its effect. This provision is contained in the Provision Constitution Order. This provision is subject to several qualifications, which consist of the following:

(a) The provision shall not apply to any law so far as that law makes provision:

(i) For the appropriation of revenues or other funds of Gibraltar;

(ii) With respect to persons who do not belong to Gibraltar;

(iii) For the application, in the case of persons who do not belong to Gibraltar or of persons connected with such persons, of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters; or

(iv) For conferring the status of a Gibraltarian, for the purposes of the Gibraltar Status Ordinance, upon any person or for withdrawing that status from any person or for deeming a firm or company to be under non-Gibraltarian control for the purposes of the Trade Restriction Ordinance;

(b) Nothing contained in any law shall be held to be inconsistent with provision 14 to the extent that:

(i) It requires a person to belong to Gibraltar to possess any other qualification not being a qualification specifically relating to race, caste, place of origin, political opinion, colour, sex or creed in order to be eligible for appointment to any office in the public service or in a disciplined force or in the service of a local government authority or in a body corporate established by law for public purposes; or

(ii) If it makes reasonable provision for ensuring that persons holding office as aforesaid and giving instruction in schools, maintained by the Government of Gibraltar and attended wholly or mainly by pupils of a particular religious community or denomination, are acceptable on moral and religious grounds to that religious community or denomination or to the authorities of that community or denomination;

(c) Subsection 3 of provision 14 provides a definition of the expression "discriminatory" as signifying "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject to or are accorded privileges or advantages that are not accorded to persons of another such description";

(d) Provision 14 (2) enshrines the principle that no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority. This principle is subject to the qualification that the provision shall not affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under the Gibraltar Constitution or any other law. This proviso is essentially contained in provision 14 (8).

2. Judicial arrangements

5. The Gibraltar Government is greatly committed to ensuring that the principles enshrined in the Gibraltar Constitution Order, including those principles relating to the prevention of race discrimination, are not eroded, ignored or otherwise interfered with by any person or body. To this effect, therefore, there is no restriction on access to the Supreme Court of Gibraltar by reference to a person's race, religion or national origin and any person

alleging that he is being or is likely to be discriminated against can apply to the Supreme Court of Gibraltar for redress.

6. Provision for this principle is essentially enshrined in provision 15 of the Gibraltar Constitution Order which essentially states that if any person alleges that his fundamental right to protection from racial discrimination is being or is likely to be contravened then, without prejudice to any other action he can take that is lawfully available to him, he can apply for redress to the Supreme Court of Gibraltar.

7. The Supreme Court has original jurisdiction to hear and determine any such application made by any such persons and may make such order, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions enacted in the Gibraltar Constitution Order for the protection of which the person concerned is entitled.

8. Additionally, the Chief Justice, under provision 15 (4), has the power to make rules with respect to the practice and procedure of the Supreme Court in relation to the jurisdiction and powers conferred upon it by the jurisdiction.

9. If a person has exhausted his or her civil remedies available in Gibraltar when seeking redress of a breach of any fundamental right, he or she is entitled to complain under the European Convention on Human Rights. The European Convention on Human Rights has been extended to apply to Gibraltar and, under article 25, the right to individual petition is granted to Gibraltar for the purposes of claiming a violation of the rights as set forth in the Convention.

3. General legal framework

10. Gibraltar has always given effect to the prevention of racial discrimination through its enactment of legislative and constitutional and judicial measures. The legislation in Gibraltar is in constant development in this field and is always subject to improvement and amendment. To this effect, the following represent the more salient legislation which has been enacted, kept up to date and which is presently in force with the aim of preventing racial discrimination in the Gibraltar Jurisdiction. They are as follows:

(a) The Immigration Control Ordinance;

(b) The Employment Ordinance;

(c) The House of Assembly Ordinance;

(d) The Education Ordinance;

(e) The Legal Aid and Assistance Ordinance;

(f) Trade Unions and Trade Disputes Ordinance;

(g) The Trade Licensing Ordinance.

4. Democratic composition

11. Attached is the 1981 census of the population of Gibraltar, which is not yet ready for official publication.

5. Administrative arrangements and land tenure

12. There are no administrative arrangements specifically directed against racial discrimination. It should, however, be noted that:

(a) Gibraltar has an advanced form of ministerial government with members of the legislature being elected on the basis of universal franchise;

(b) The public service is predominantly localized; and

(c) The police force is predominantly localized in so far as all police officers are Gibraltarians or nationals of the United Kingdom.

13. Appointments to the public service are within the province of the Public Service Commission, under paragraph 72 of the Gibraltar Constitution Order, 1969 and are available to European Community nationals subject to the restrictions permitted by EC legislation. The Commission, in considering such appointments, is required to have regard to a person's educational qualifications, his general fitness, any previous appointment and any reports from universities, schools or referees which the Commission may call for.

14. There are no legislative or other restrictions in respect of land tenure either by foreigners or by particular racial groups.

6. Education, culture and information

15. All government schools are open to all races and the United Kingdom national curriculum is used, which has as one of its principles the elimination of racial and religious prejudice.

16. As a multi-racial society Gibraltar has and encourages a wide variety of cultural activities reflecting the ethnic backgrounds of the population, and there is widespread participation in such events by Gibraltarians of all backgrounds. Public sector employment recognizes the existence of religious holidays of all categories of the community.

17. There is complete freedom of the press and ethnic groups exercise their rights through local publications. The Government has not found the need to promote any campaigns to address any problem of racial discrimination.

VII. HONG KONG

First part: Eleventh report

A. Policy on elimination of racial discrimination

1. Legislative arrangements. The Government, satisfied that racial discrimination is not a problem in Hong Kong, has not considered it necessary to introduce any law aimed at eradicating racially discriminatory behaviour and practices. In enacting legislation, however, the Governor, by virtue of the Royal Instructions of 1917 and 1986, is prohibited from giving his assent to any bill whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable, unless he has had prior permission from Her Majesty's Government to do so.

2. Since April 1989, all new principal legislation and most new subsidiary legislation has been drafted in English and Chinese. The English and Chinese texts of legislation are equally authentic for legal purposes.

3. Following its announcement in October 1989 that a bill of rights would be introduced into the Legislative Council by July 1990, the Government published in March 1990 a draft of the bill of rights bill for public consultation in a publication entitled "Commentary on the Draft Hong Kong Bill of Rights Ordinance". The draft bill, if enacted, was to incorporate into the law of Hong Kong the provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong. It was expected to be enacted in 1991. The draft bill was designed to further strengthen the equal enjoyment of rights and equal protection of the law regardless of one's race, colour or national or ethnic origin, as guaranteed in the Covenant.

4. Judicial arrangements. In Hong Kong, all persons regardless of their race, colour or national or ethnic origin are equal before the law and have equal access to the courts. Subject to certain objective criteria, legal aid is available to all. Both English and Chinese, being the official languages, are used in the lower courts. Although proceedings in the higher courts are conducted in English, ample interpretation facilities are provided for non-English speakers. The Government is considering how a greater use of the Chinese language may be introduced in the higher courts. It is the Government's stated objective that more judicial posts be filled by local candidates.

5. Administrative arrangements. No administrative or other measures in Hong Kong are contrary to the provisions of the Convention.

B. General legal framework in which racial discrimination is defined

6. "Racial discrimination" is not, as such, defined in the laws of Hong Kong.

C. Recognition on equal footing of human rights and fundamental freedoms

7. Elections to the municipal councils and district boards are based on wide franchise and on geographical constituencies. Electoral franchise is based on residency, irrespective of sex and race. An eligible elector has a free choice to register in the constituency where he lives.

8. There is an indirect system of elections to the Legislative Council. It involves an electoral college and nine functional constituencies covering various professions and sectors. The electoral franchise in respect of the electoral college is based on membership of the municipal councils and the district boards, whereas for functional constituencies it is based on membership of the relevant professional body or an organization forming part of the relevant constituency. Having reviewed the decisions of the 1988 White Paper on the Development of Representative Government, the Government decided to introduce a geographically based system of direct elections to elect 18 members to the Legislative Council in 1991.

D. Invocation of provisions of the Convention

9. The Convention does not, of itself, form part of Hong Kong law. Short of an Act of the Parliament of the United Kingdom or any order by the United Kingdom, the Convention could not become part of Hong Kong law unless the Legislative Council in Hong Kong implements it through legislation. The Government is satisfied that racial discrimination is not a problem in Hong Kong. The Royal Instructions, in conjunction with the Bill of Rights currently being drafted (see para. 3 above), will provide a sufficient guarantee that there is no discrimination in law. The Government does not, therefore, consider it necessary to implement the Convention in the form of law.

E. Demographic composition of the population

10. According to the most recent estimate, the population of Hong Kong in mid-1990 was 5,704,500.

11. There is no up-to-date information on the racial characteristics of the population of Hong Kong. Information on place of birth, which is not the same as race, was elicited in the 1991 by-census. According to the 1991 population consensus, 5,522,300 residents were enumerated, of whom 3,299,600 (59.8 per cent) were born in Hong Kong, 1,967,500 (35.6 per cent) in China, including Macau and Taiwan, and the remaining 255,200 (4.6 per cent) in various other countries.

F. Special measures taken in accordance with article 2, paragraph 2

12. Recreational and sporting activities. No distinction is made by the Government on racial or religious grounds in providing recreational and sporting facilities and financial support. Regardless of race, Hong Kong people have equal opportunities to participate in all sporting and recreational activities. It is the policy of the Government to promote sports, both in terms of excellence and at the grass-roots level, for the

community as a whole. Major sports, open championships, international events and territory-wide, regional and district events are open to all.

13. Economic activities. For all intents and purposes, Hong Kong has financial and economic autonomy. It formulates and follows its own economic policies and draws up its own budgets of internal revenue and expenditure, without reference to the United Kingdom.

14. Hong Kong being a free port and a free economy, and with minimum interference from Government, offers equal opportunities to everyone, irrespective of race, in trade and investment. Foreign investments have been made in Hong Kong because of the favourable economic climate and not because of discrimination in any form. People of Chinese and other ethnic groups (European, Indian, Japanese) play important roles in the economic life in Hong Kong.

15. Employment. The recruitment policy of the Hong Kong Government has been for many years to appoint suitable and qualified local candidates to positions in the public service, but no discrimination is made on the basis of race. The recruitment of overseas candidates is undertaken only when local candidates are not available or are available in insufficient numbers. The main reasons for the difficulties in recruiting local candidates are:

(a) The qualifications required for appointment cannot always be obtained in Hong Kong; and

(b) In certain professions, the private sector offers higher financial rewards with which government salaries and fringe benefits cannot compete.

16. There were 188,393 officers in the public service as at 1 April 1990, comprising 185,908 local officers (98.7 per cent) and 2,485 (1.3 per cent) overseas officers.

17. In April 1990 there were over 60,700 foreign domestic helpers working in Hong Kong, the majority of whom were from the Philippines. These workers were employed under contract, which gave them employment protection similar to that enjoyed by local workers under the employment legislation.

18. In view of the persistent shortage of labour, a special labour importation scheme to permit the import of workers from outside Hong Kong has been introduced since 1989. This has been resisted by labour groups who wish to protect their earnings and working conditions. Workers from outside Hong Kong regardless of their countries of origin can be imported under the schemes. They are entitled to the same protection as local workers under the labour laws. The majority of these imported workers come from China.

G. Education

19. Instruction continues to be given in schools and colleges to bring about greater appreciation of the achievements of different cultures. With more emphasis on civic education, a greater degree of understanding or interaction and interdependence within the community will continue to be fostered.

Second part: Twelfth report

A. Policy on elimination of racial discrimination

1. Legislative arrangements. The Government, satisfied that racial discrimination is not a problem in Hong Kong, has not considered it necessary to introduce any law aimed at eradicating racially discriminatory behaviour and practices. In enacting legislation, however, the Governor, by virtue of the Royal Instructions of 1917 and 1986, is prohibited from giving his assent to any bill whereby persons not of European birth or descent are not subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable, unless he has had prior permission from Her Majesty's Government to do so.

2. Since April 1989, all new principal legislation and most new subsidiary legislation has been drafted in English and Chinese. Pre-existing legislation drafted in English is also being rendered into Chinese. At the time of the report, some 32 pre-existing ordinances have been so rendered and are awaiting the approval of the Executive and Legislative Councils. It is expected that the whole process of rendition into Chinese will be completed in 1995. The English and Chinese texts of legislation are equally authentic for legal purposes.

3. The Hong Kong Bill of Rights Ordinance, incorporating into Hong Kong law the provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong, was enacted in June 1991. To complement the protection afforded by the Bill of Rights, the Letters Patent, Hong Kong's primary constitutional document, have been amended so as to ensure that no law can be made in Hong Kong that restricts the rights and freedoms enjoyed in Hong Kong in a manner which is inconsistent with the ICCPR as applied to Hong Kong. The amendment came into operation at the same time as the Bill of Rights Ordinance. The equal enjoyment of rights and equal protection of the law regardless of one's race or national or ethnic origin, as guaranteed in the Covenant, thus have been strengthened.

4. Judicial arrangements. In Hong Kong, all persons, regardless of their race, colour or national or ethnic origin, are equal before the law and have equal access to the courts. Subject to certain objective criteria, legal aid is available to all. Both English and Chinese, being the official languages, are used in the lower courts. Although proceedings in the higher courts are conducted in English, ample interpretation facilities are provided for non-English speakers. The Government is considering how a greater use of the Chinese language may be introduced in the higher courts. It is the Government's stated objective that more judicial posts be filled by local candidates.

5. Administrative arrangements. No administrative or other measures in Hong Kong are contrary to the provisions of the Convention.

B. General legal framework in which racial discrimination is defined

6. "Racial discrimination" is not, as such, defined in the laws of Hong Kong.

C. Recognition on equal footing of human rights and fundamental freedoms

7. A system of direct election to the Legislative Council based on geographical constituencies was introduced in September 1991. Concurrently the system of indirect elections through functional constituencies continues. Members elected through these systems account for 65 per cent of the total membership of the Legislative Council.

8. Electoral franchise for direct elections to the Legislative Council, municipal councils and district boards is based on residency, irrespective of sex and race. With minor exceptions, every person of age 21 years or above and who has been registered as an elector, and having been ordinarily resident in Hong Kong for 10 years or more, can be nominated for these direct elections if supported by 10 electors in the relevant constituency.

D. Invocation of provisions of the Convention

9. The Convention does not, of itself, form part of Hong Kong law. Short of an Act of the Parliament of the United Kingdom or an Order by the United Kingdom, the Convention could not become part of Hong Kong law unless the Legislative Council in Hong Kong implements it through legislation. The Government is satisfied that racial discrimination is not a problem in Hong Kong. The Royal Instructions, in conjunction with the Bill of Rights Ordinance and the amended Letters Patent (see para. 3 above), will provide a sufficient guarantee that there is no discrimination in law. The Government does not, therefore, consider it necessary to implement the Convention in the form of law.

E. Demographic composition of the population

10. According to the most recent estimate, the population of Hong Kong in mid-1991 was 5,754,800.

11. There is no up-to-date information on the racial characteristics of the population of Hong Kong. Information on place of birth, which is not the same as race, was elicited in the 1991 by-census. According to the 1991 population consensus, 5,522,300 residents were enumerated, of whom 3,299,600 (59.8 per cent) were born in Hong Kong, 1,967,500 (35.6 per cent) in China, including Macau and Taiwan, and the remaining 255,200 (4.6 per cent) in various other countries. Details are shown below.

1991 Hong Kong population census: number of enumerated residents by place of birth

Place of birth	Number	% of population
Hong Kong	3 299 600	59.8
China (including Macau and Taiwan)	1 967 500	35.6
Philippines	66 100	1.2

1991 Hong Kong population census: number of enumerated residents by place of birth (continued)

Indonesia	40 700	0.7
United Kingdom	23 700	0.4
India, Pakistan, Bangladesh and Sri Lanka	14 300	0.3
Thailand	14 100	0.3
Malaysia	12 800	0.2
Japan	11 200	0.2
United States	11 200	0.2
Viet Nam	10 300	0.2
Elsewhere	50 800	0.9
TOTAL	5 522 300	100.0

F. Special measures taken in accordance with article 2, paragraph 2

12. Recreational and sporting activities. No distinction is made by the Government on racial or religious grounds in providing recreational and sporting facilities and financial support. Regardless of race, Hong Kong's people have equal opportunities to participate in all sporting and recreational activities. It is the policy of the Government to promote sports, both in terms of excellence and at the grass-roots level, for the community as a whole. Major sports, open championships, international events and territory-wide, regional and district events are open to all.

13. Economic activities. For all intents and purposes, Hong Kong has financial and economic autonomy. It formulates and follows its own economic policies and draws up its own budgets of internal revenue and expenditure, without reference to the United Kingdom.

14. Hong Kong being a free port and a free economy, and with minimum interference from Government, offers equal opportunities to everyone, irrespective of race, in trade and investment. Foreign investments have been made in Hong Kong because of the favourable economic climate and not because of discrimination in any form. People of Chinese and other ethnic groups (European, Indian, Japanese) play important roles in the economic life of Hong Kong.

15. Employment. The recruitment policy of the Hong Kong Government has been for many years to appoint suitable and qualified local candidates to positions in the public service, but no discrimination is made on the basis of race. The recruitment of overseas candidates is undertaken only when local

candidates are not available or are available in insufficient numbers. The main reasons for the difficulties in recruiting local candidates are:

(a) The qualifications required for appointment cannot be obtained in Hong Kong, and

(b) In certain professions, the private sector offers higher financial rewards with which Government salaries and fringe benefits cannot compete.

16. There were 190,975 officers in the public service as at 1 October 1991, comprising 188,677 local officers (98.7 per cent) and 2,308 (1.2 per cent) overseas officers.

17. There are now over 84,000 foreign domestic helpers working in Hong Kong, the majority of whom are from the Philippines. These workers are employed under contract, which gives them employment protection similar to that enjoyed by local workers under the employment legislation.

18. To sustain economic growth and to relieve local labour shortages, special labour importation schemes to permit the import of workers from outside Hong Kong have been in operation since 1989. This has been resisted by labour groups who wish to protect their earnings and working conditions. Workers from outside Hong Kong, regardless of their countries of origin, can be imported under the schemes. They are entitled to the same protection as local workers under the labour laws. The majority of these imported workers come from China.

G. Education

19. Instruction continues to be given in schools and colleges to bring about greater appreciation of the achievements of different cultures. With more emphasis on civic education, a greater degree of understanding or interaction and interdependence within the community will continue to be fostered.

VIII. MONTSERRAT

A. Policy on the elimination of racial discrimination

1. Legislative arrangements. Section 63 of the 1989 Constitution, which forms part of the chapter headed "Fundamental Rights and Freedoms of the Individual", provides protection from discrimination on grounds of race. No law is to make any provision which is discriminatory either of itself or in its effect. No person is to be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the functions of any public office or any public authority. There is, in fact, no problem of racial discrimination in Montserrat, the practice being unknown on the island and universally deplored where it occurs overseas.

2. A further constitutional safeguard is that a bill passed by the legislature does not become law until it is assented to by the Governor. The Governor is empowered to assent or refuse to assent. The Constitution provides that the Governor shall reserve to Her Majesty's pleasure bills which appear to him to be inconsistent with any obligation of the United Kingdom towards any other State or power or any international organization. The Governor gives his assent to a bill only when the Attorney-General has submitted a report on it recommending that it be assented to; and the Attorney-General has declined to recommend a bill for the Governor's assent where he has considered that it could, if it became law, run counter to treaty obligations of the United Kingdom. Furthermore, a law which had been assented to by the Governor could be disallowed by Her Majesty acting through the Secretary of State. In these circumstances, it is clearly in the highest degree unlikely that any racially discriminatory legislation, incompatible with obligations assumed under the Convention, could find a place on the statute book of Montserrat.

3. Judicial arrangements. There is an independent judiciary, which includes the judges of the Supreme Court of the Windward Islands and Leeward Islands. There is no restriction on access to the courts by reference to a person's race religion or national origin.

4. Administrative arrangements. Administrative arrangements specifically directed against racial discrimination have not been considered to be necessary. It is, however, to be noted that:

(a) Montserrat enjoys a very advanced form of ministerial government with members of the legislature being elected on the basis of universal franchise;

(b) The Civil Service is predominantly localized and is appointed by the Governor on the advice of a Public Service Commission composed of leading Montserratians; and

(c) The police force is also predominantly localized.

B. General legal framework in which racial discrimination is defined

5. "Racial discrimination" is not, as such, defined. The word "discriminatory", as used in section 63 of the Constitution (see para. 1 above) is, however, defined to mean affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

C. Recognition on equal footing of human rights and fundamental freedoms

6. The chapter of the Constitution which is concerned with "Fundamental Rights and Freedoms of the Individual" (see para. 1 above) applies to all persons in Montserrat.

D. Invocation of provisions of the Convention

7. The Convention does not, of itself, form part of the law of Montserrat. Its provisions cannot, therefore, be invoked as a direct source of rights and duties. In interpreting local laws the courts would, however, have regard, in any case of doubt, to relevant international obligations, including those of the Convention.

E. Demographic composition of the population

8. The population of Montserrat was estimated in 1990 to be 11,924. It is predominantly of African origin with an early admixture of Irish influence having been replaced subsequently by people from the other Caribbean islands. There is now a relatively small resident or semi-resident population predominantly of North American origin occupying the retirement and recreational villas which constitute the main focus of the development of tourism in Montserrat. There is no racial friction between the indigenous population and this recent addition.

F. Immigrant workers

9. The immigrant worker population, which rose steadily during the early 1980s, drastically expanded in the aftermath of Hurricane Hugo in 1989. Significant numbers of tradesmen and skilled workers came to the island to take advantage of employment opportunities and assist in the rehabilitation effort. The incidence of migrant job-seekers is expected to return to moderate proportions as the needs in the construction sector become less acute. Work permits are issued on an annual basis and only where skills and services are not available locally.

G. Land tenure by foreigners

10. The need to develop Montserrat made it take a liberal view of the holding of land on the island by foreigners. In 1987 titles of foreigners were traced

and successors in title, mostly foreigners, were informed of their property in Montserrat. A surcharge on property tax had, however, to be imposed where non-Montserratians failed to build residential houses on lands classified as residential. This measure is not directed against any racial group: it applies to all foreign holders of land and is intended to encourage them to build houses to increase the housing stock of the island or to sell to those who wish to buy in order to build houses.

H. Education

11. The Government provides nursery, primary and secondary education to all children on the island, irrespective of race, sex or creed. Legislation for the provision of tertiary education is also being considered. All schools, public and private, are open to all.

12. All children at primary level and in the lower sections of secondary school are taught a social studies course within which they are introduced to the concept of interdependence of human groups within society and the benefits of mutual tolerance and cooperation. There is also discussion in class and at community level which has as its focus the problems occurring in some countries because of racial intolerance.

IX. PITCAIRN ISLANDS

A. Policy on elimination of racial discrimination

1. Legislative arrangements. Since racial discrimination does not exist in any form on Pitcairn it has not been judicially decided, as the occasion has never arisen, but it is likely that the United Kingdom Race Relations Act 1976 applies by virtue of section 14(1) of the Judicature Ordinance (chap. 2, Rev. Ed. 1985).

2. Judicial arrangements. Within the constitutional structure, the judiciary is independent. Equal access to the courts by persons of all races and ethnic origins is guaranteed. Any transgression of such rights would be classified by the courts as illegal, either in the criminal jurisdiction or civilly, in many instances.

3. Administrative arrangements. While no special local arrangements apply it should be noted that the Island Council is the authority for the day-to-day administration of Pitcairn and that the Council, and the island Magistrate, are all of the same mixed racial origin.

B. Demographic composition

4. Pitcairn's permanent population of 51 includes 48 who are direct descendants of 9 British sailors from the "Bounty" and of 6 Tahitian men and 12 women who jointly settled on the island in 1790; and 3 women (1 Norwegian and 2 New Zealanders) who are married to local inhabitants and who, to all intents and purposes, are treated as Pitcairners. Temporarily living on the island are eight expatriates - the teacher, the pastor and their respective families.

C. Civil rights

5. It is a fundamental principle on Pitcairn that all persons are equal before the law, have security of person and property, and an absolute right to participate in elections if over the age of 18 years. There are no impediments to the civil rights enumerated in article 5 of the Convention to any class or category of persons whatever.

D. Education

6. It is compulsory for all children between the ages of 5 and 15 to attend the one single-teacher school. The syllabus is cast in such a way as to promote harmony and understanding between peoples of all races and nations. Such principles form an essential part of all education in human and social sciences.

X. ST. HELENA (including Ascension and Tristan da Cunha)

A. Policy on elimination of racial discrimination

1. Legislative arrangements. The Government remains satisfied that, since no form of racial discrimination exists in St. Helena and since all sectors of society strongly condemn such discrimination, there is no need for the enactment of legislation specifically to prohibit or bring to an end racial discrimination. In any event, if, as seems extremely unlikely, any problem of racial discrimination were to arise, regard would be had to the provisions of the United Kingdom's Race Relations Act 1976, which applies in St. Helena by virtue of the English Law (Application) Ordinance 1987. The policy of the Government, which strongly supports the aims of the Convention and the Act, is to prevent racial discrimination in any form from arising; and it would not hesitate to take any appropriate action to that end.

2. Judicial arrangements. There is an independent judiciary. There are no restrictions on access to the courts by reference to a person's race, religion or national origin. If any act of racial discrimination were to take place and the victim were to seek redress before the courts, they could be expected to apply the provisions of the United Kingdom's Race Relations Act 1976 (see above).

3. Administrative arrangements. For the reasons indicated in paragraph 1 above, no administrative arrangements specifically directed against racial discrimination have been found to be necessary.

B. Invocation of provisions of the Convention

4. The Convention does not, of itself, form part of the law of the Islands. Its provisions cannot, therefore, be invoked before the courts as a direct source of rights and duties. In interpreting the laws, the courts would, however, have regard, in any case of doubt, to relevant international obligations, including, where appropriate, those of the Convention.

C. Demographic composition of the population

5. The present population of the Islands is estimated at 7,162. Of these, approximately 6,577 are "Belongers" - that is to say persons who by virtue of (a) birth, (b) descent or (c) registration as a British Dependent Territory Citizen in the Islands have an automatic right of residence there. It should be noted that there is a proportionately large number of Belongers (estimated at 6,000) more or less permanently resident outside the Islands, most of them in the United Kingdom or the Republic of South Africa.

D. Land tenure and employment

6. In view of the social and economic circumstances of the Islands, it has been necessary to maintain controls in respect of (a) land-holding (in St. Helena, by the Immigrants' Land-holding (Restriction) Ordinance 1987, and in Ascension, by the Ascension Land Holding Ordinance 1967) and (b) employment of "non-Islanders" (in St. Helena, by the Immigrants' Employment (Control) Ordinance 1987). If necessary, the Ordinances which apply to St. Helena can,

by virtue of the Application of St. Helena Law (Ascension) Ordinance 1987 and the Application of St. Helena Law (Tristan da Cunha) Ordinance 1987, be applied, with any required modifications or adaptations, to Ascension and Tristan da Cunha also. These controls involve no element of discrimination on grounds of race, colour, descent, or national or ethnic origin, as proscribed by the Convention.

E. Education

7. All schools in the Islands, governmental or private, are open to all races.

XI. TURKS AND CAICOS ISLANDS

A. Policy on elimination of racial discrimination

1. Legislative arrangements. Comprehensive and detailed provisions relating to all forms of discriminatory treatment are contained in the 1988 Constitution, which came into force on 4 March 1988. Under those provisions, any person who is the victim of discrimination may apply to the Supreme Court for whatever relief or remedy is appropriate in the circumstances. Consideration is being given to the introduction of race relations legislation, but this is at present only in the preliminary stages of research and it may well be determined that the existing constitutional provisions are sufficient.

2. Under section 33 of the Employment Ordinance 1989 every employee has a right not to be unfairly dismissed. Although the Ordinance contains no provisions dealing specifically with racial discrimination, if a dismissal were to take place because of racial discrimination it would, as a result of the provisions concerning the determination of whether a dismissal was fair or unfair, be considered unfair and the employee concerned could seek compensation through the courts.

3. Although no legislation has been enacted specifically to create an offence of dissemination of ideas based on racial superiority or incitement to racial hatred, section 32 of the Immigration Ordinance as amended by section 16 of the Immigration (Amendment) Ordinance 1990 provides that any person who is not a Belonger of the Islands or a person in possession of a valid permanent residence certificate may be deported from the Islands if in the opinion of the Director of Immigration or the Immigration Board his presence in the Islands would be undesirable and not conducive to the public good.

4. Judicial arrangements. There is an independent judiciary. There is no restriction on access to the courts by reference to a person's race, religion or national origin. Any victim of discriminatory treatment contrary to the provisions of the Constitution could seek redress through the courts.

5. Administrative arrangements. There are no administrative arrangements specifically directed against racial discrimination. It should, however, be noted that:

(a) The Turks and Caicos Islands have an advanced form of ministerial government with members of the legislature being elected on the basis of universal franchise;

(b) The public service is predominantly localized; and

(c) The police force is almost completely localized in so far as the majority of police officers are Belongers of the Turks and Caicos Islands or from other Caribbean Islands and only a few are expatriates.

6. There is no discrimination as to race in recruitment to the public service. Appointments to the service are within the province of the Public

Service Commission, under the Public Service Commission Regulations which came into force on 1 August 1988. The Commission in considering such appointments is required to have regard to a person's educational qualifications, his general fitness, any previous appointment and any reports from universities, schools or referees which the Commission may call for.

B. General legal framework in which racial discrimination is defined

7. "Racial discrimination" is not, as such, defined. "Discriminatory", as used in the Constitution, is, however, defined, in section 78(3), to mean affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

C. Recognition on equal footing of fundamental rights and freedoms

8. Part VIII of the 1988 Constitution headed "Fundamental Rights and Freedoms of the Individual", applies to all persons in the Islands.

D. Invocation of provisions of the Convention

9. The Convention does not, of itself, form part of the law of the Islands. Its provisions cannot therefore be invoked as a direct source of rights and duties. In interpreting local laws the courts would, however, have regard, in any case of doubt, to relevant international obligations, including, where appropriate, those of the Convention.

E. Demographic composition of the population

10. The present population of the Islands is estimated, on the basis of the 1990 census, at about 11,465 residents. Of these, approximately 7,900 are Belongers (that is to say, persons who by virtue of (a) birth, (b) descent or (c) registration as a British dependent citizen in the Islands have an automatic right of residence in the Islands). A large number of Belongers resident in the Islands are of predominantly African descent. The remainder are of predominantly Caucasian descent. It should be noted that there is a (proportionately) large number of Belongers, variously estimated at 20,000 to 30,000, more or less permanently resident outside the Islands, most of them in the Bahamas but with a considerable number resident in the United States of America.

11. The former population of Arawaks and Caribs had disappeared before the seventeenth century. There are believed to be three main streams by which the ancestors of those Belongers who are of African descent arrived in the Islands. In the Turks Islands, the Bermudian (Caucasian) salt proprietors of the seventeenth century brought in slaves of African birth or descent to work the salt pans (salinas). The Caicos Islands were settled rather later, principally by Loyalist American settlers who arrived in the 1780s, bringing their slaves of African birth or descent with them to work plantations. In

the case of one Island (Middle Caicos), however, it is believed that most of the population are descended from the slaves aboard two ships which were wrecked there.

12. In the Turks Islands, where there was in former times a large Caucasian population, there occurred a considerable intermingling of racial stock, but this occurred less frequently in the Caicos Islands. In recent years, there has been considerable intermarriage among the people of the various Islands so that, as a result, a large proportion of the Belongers who are predominantly of African descent are partly of Caucasian descent also. (The Government keeps no records, and finds it unnecessary to do so, of the racial origins of any of the population, and the foregoing information as to descent is given as the result of observation, not statistics.)

13. It is estimated that, of the approximately 3,565 of the population who are not Belongers, some 2,430 are Haitian nationals of predominantly African descent and the remainder are of predominantly Caucasian descent (from the United States and Canada and from the United Kingdom and other European and "old" Commonwealth countries).

14. Through commerce, there is involvement by persons of different races. Non-Belonger involvement in business is confined to businesses requiring particular skills (not available in sufficient quantity among Belongers) or capital investment. Belonger involvement in business is limited only by lack of education or capital. The Government is doing everything it can to improve the education of Belongers and increase the availability of capital, but it is in any case a fact that in every business of any size there is Belonger involvement in higher-level employment positions. As between the same employment categories, there is no disparity in wealth between races.

F. Special measures taken in accordance with article 2, paragraph 2

15. The Turks and Caicos Islands have only a comparatively small indigenous labour force. It is quite impossible to develop a tourist industry on any scale without importing foreign labour to take up such job opportunities as are not taken up by the local population. On the other hand, the available housing stock is small and there is a danger that, unless special measures are taken, immigrant labour would be inadequately housed. For that reason, the Government has adopted a policy of requiring that, where appropriate, the developer of any major tourist facility should construct accommodation for employees available both for indigenous persons from other Islands in the group and for foreign workers. This policy, so far as foreign workers are concerned, is intended to prevent them from being disadvantaged and will not confer upon them any advantage over the local population.

16. A large proportion of the immigrant workers in the hotel and building industries are Haitians. Since their native language is not English but Creole, educating their children has proved difficult. Since the enactment of the Education Ordinance 1989, however, attendance at school is compulsory for all children between the ages of 4 and 16 years and, under section 12 of that Ordinance, the Minister (with responsibility for Education) is obliged to ensure that there are sufficient public schools for all children of compulsory school age. The Ordinance also provides in its section 41 that no person

shall be refused admission to any public school on account of the religious persuasion, race, social status or language of such person or of his parent, subject to the provisions of subsection (2). Subsection (2) deals with instances where the primary language of a child is not English, in which case the Director of Education may direct that the child should attend special classes in the English language before being admitted to a public school or on admission to a public school for such period as the principal deems necessary.

17. The Haitian population is predominantly Roman Catholic. The Roman Catholic church in Providenciales is of sufficient size to accommodate all would-be worshippers and mass is said in Creole on special days for the Haitians both in Providenciales and in Grand Turk. In Grand Turk, where the Roman Catholic church facilities are inadequate, mass is said in Creole in the Anglican church, which is of substantial size.

18. The development of tourism in the Islands remains a major objective of the Government. In 1979, an agreement was reached with Club Mediterranée SA for the construction and opening of a Club Mediterranée in Providenciales, and this opened in December 1984. The Government recognized the possible sociological implications of a tourist facility of this kind for foreigners in a comparatively undeveloped island with a small indigenous population. Partly for this reason, the Government established a committee on which the indigenous population of the Islands was represented. That committee met regularly and had the assistance of appropriate professional advisers provided by the Overseas Development Administration of the United Kingdom, through the British Development Division in the Caribbean. One of the functions of the committee was to monitor any race relations problem which might arise by reason of the development. The committee reported regularly to the Government, its reports being considered in full by the Executive Council. The Club Mediterranée has been very successful economically and was, as a result, substantially extended before the end of the first year of its operations. The Government has been happy to note that the Club has advertised locally, in the off-season, short stays at much reduced rates and that a number of members of the indigenous population have taken advantage of these. The Government is completely satisfied that no racial discrimination in any of its forms has arisen in relation to the operation of the Club Mediterranée facility.

19. There has been further progress with the development of tourism. In December 1989 a 228-room Ramada hotel opened in Providenciales. There are other hotel projects currently in the course of construction.

20. In the negotiation of development agreements with largely expatriate investors, a clause is usually inserted to the effect that the company should use its best endeavours to employ Belongers at all levels and to provide training in all aspects of the operation. Further, in considering whether or not to grant a work permit under section 23A of the Immigration (Amendment) Ordinance 1990 the Immigration Board has to satisfy itself that there is no Belonger immediately available, at the time when the Board considers the application for the permit, who is able and willing to engage in the gainful occupation in respect of which the application is made. The effect of these provisions and the policy of the Government is that Belongers are not discriminated against on the basis of race by expatriate developers who

operate in the Islands. The Government remains determined that no racial discrimination should arise in the course of the development of the tourist industry in the Islands and that such development is in the interests of the indigenous population.

G. Land tenure

21. There are now no legislative or other restrictions in respect of land tenure either by foreigners or by particular racial groups. The disposition of Crown land is governed by the Land Policy 1989, which was approved by the United Kingdom Government. Leases or grants of Crown land for residential purposes will only be given to Belongers as that term is defined by section 4(b)(2) of the Immigration (Amendment) Ordinance 1990, irrespective of race, religion, etc. Similarly, Crown land for commercial purposes will, save in the case of large-scale commercial developments, be granted only to Belongers.

H. Education

22. All schools in the Islands, governmental and private, are open to all races and the syllabus emphasizes regional factors, including the Afro-Caribbean elements.